

MXN 346

The Law Reports 1997

19 December 1997

Cumulative Index

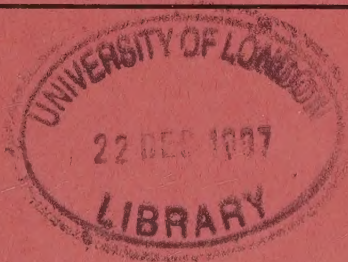
[1997] L.R.	Parts 1 to 12
[1997] W.L.R.	Parts 1 to 44
[1997] I.C.R.	Parts 1 to 10
[1996] 4 All E.R.	Parts 8 to 12
[1997] 1 All E.R.	Parts 1 to 12
[1997] 2 All E.R.	Parts 1 to 12
[1997] 3 All E.R.	Parts 1 to 12
[1997] 4 All E.R.	Parts 1 to 8
[1996] 2 Cr.App.R.	Part 3
[1997] 1 Cr.App.R.	Parts 1 to 3
[1997] 2 Cr.App.R.	Parts 1 to 3
[1996] 2 Lloyd's Rep.	Parts 5 and 6
[1997] 1 Lloyd's Rep.	Part 1 to 6
[1997] 2 Lloyd's Rep.	Part 1 to 4
94 L.G.R.	Parts 10 and 11
95 L.G.R.	Parts 1 to 9
[1996] R.T.R.	Pages 353 to 434
[1997] R.T.R.	Pages 1 to 481
67 T.C.	Parts 1 to 6
68 T.C.	Parts 1 to 5
T.C. Leaflets	Nos. 3476–3534

N.B.—THIS INDEX SHOULD NOT BE SENT FOR BINDING

Editors: CAROL ELLIS C.B.E., Q.C.
ROBERT WILLIAMS, *Barrister*

THE INCORPORATED COUNCIL OF LAW REPORTING
FOR ENGLAND AND WALES

3 Stone Buildings, Lincoln's Inn, London WC2A 3XN
<http://www.lawreports.co.uk>



HOW TO USE THIS INDEX

This Index, used with the Red Indexes for 1951–60, 1961–70, 1971–80, 1981–90 and 1991–96, will enable you to find any reported case determined since 1951 according to its title or subject matter. The appropriate headings and sub-headings of subject matter under which to look will be found in the Red Indexes. To find a recent case you have then only to look under the same heading and sub-headings in this Index and if necessary in subsequent parts of W.L.R.

Further, this Index contains also, *after* the index of Subject Matter, similar cumulative indexes of Cases, Statutes, Statutory Instruments and Overseas and European Community Enactments Judicially Considered which will likewise be brought up to date weekly in W.L.R.

Thus if in any report in [1997] W.L.R. a judge has said anything which might be argued to affect the weight or effect of any previous decision, or the meaning of any enactment, a reference will be found in the appropriate table to the previous decision or enactment. **The Table of Cases Judicially Considered is not limited to decisions mentioned in the headnote of the reports.**

This Index includes cases reported in Industrial Cases Reports, All England Law Reports, Criminal Appeal Reports, Lloyd's Law Reports, Local Government Reports, Road Traffic Reports, Tax Cases and Tax Case Leaflets.

The Red Index for 1991–1997 will be published in February 1998 and will supersede this Index, which should then be destroyed.

INDEX

CASES REPORTED

[1997] L.R. Parts 1 to 12
 [1997] W.L.R. Parts 1 to 44
 [1997] I.C.R. Parts 1 to 10
 [1996] 4 All E.R. Parts 8 to 12
 [1997] 1 All E.R. Parts 1 to 12
 [1997] 2 All E.R. Parts 1 to 12
 [1997] 3 All E.R. Parts 1 to 12
 [1997] 4 All E.R. Parts 1 to 8
 [1996] 2 Cr.App.R. Part 3
 [1997] 1 Cr.App.R. Parts 1 to 3
 [1997] 2 Cr.App.R. Parts 1 to 3
 [1996] 2 Lloyd's Rep. Parts 5 and 6
 [1997] 1 Lloyd's Rep. Parts 1 to 6
 [1997] 2 Lloyd's Rep. Parts 1 to 4
 94 L.G.R. Parts 10 and 11
 95 L.G.R. Parts 1 to 9
 [1996] R.T.R. Pages 354 to 434
 [1997] R.T.R. Pages 1 to 481
 67 T.C. Parts 1 to 6
 68 T.C. Parts 1 to 5
 T.C. Leaflets Nos. 3476 to 3534

A., *Ex parte*. See Reg. v. Criminal Injuries Compensation Board, *Ex parte* A.
 A. v. Director of Public Prosecutions [1997] 1 Cr.App.R. 27, D.C.
 AB *Ex parte*. See Reg. v. Chief Constable of the North Wales Police, *Ex parte* AB
 ARMS (Multiple Sclerosis Research) Ltd., *In re* [1997] 1 W.L.R. 877; [1997] 2 All E.R. 679
 A/S D/S Svendborg v. Awada. See A/S D/S Svendborg v. Wansa (trading as Melborne Enterprises)
 A/S D/S Svendborg v. Wansa (trading as Melborne Enterprises) [1996] 2 Lloyd's Rep. 559; [1997]
 2 Lloyd's Rep. 183, C.A.
 Abnett (known as Sykes) v. British Airways Plc. See Sidhu v. British Airways Plc.
 Abu Dhabi (Emirate) (Third Parties). See Bank of Credit and Commerce International (Overseas)
 Ltd. (In Liquidation) v. Price Waterhouse (a firm)
 Acton v. Graham Pearce & Co. (a firm) [1997] 3 All E.R. 909
 Adams v. Lancashire County Council [1997] I.C.R. 834, C.A.
 Adamson v. Waveney District Council [1997] 2 All E.R. 898; 95 L.G.R. 661
 Adan v. Secretary of State for the Home Department [1997] 1 W.L.R. 1107; [1997] 2 All E.R. 723,
 C.A.
 Addison v. Denholm Ship Management (U.K.) Ltd. [1997] I.C.R. 770, E.A.T.(Sc.)
 Adur District Council v. Fry [1997] R.T.R. 257, D.C.
 Agnew v. Lansförsäkringsbolagens AB [1996] 4 All E.R. 978
 Aiken v. Stewart Wrightson Members Agency Ltd. [1996] 2 Lloyd's Rep. 577, C.A.
 Airbus Industrie GIE v. Patel [1997] 2 Lloyd's Rep. 8, C.A.
 Albany Homes Ltd. v. Massey [1997] 2 All E.R. 609, C.A.
 Ali v. Christian Salvesen Food Services Ltd. [1997] I.C.R. 25; [1997] 1 All E.R. 721, C.A.
 Alipour v. Ary [1997] 1 W.L.R. 534, C.A.
 Allen, *Ex parte*. See Reg. v. Inland Revenue Comrs., *Ex parte* Allen
 Allied Irish Bank v. Ashford Hotels Ltd. [1997] 3 All E.R. 309, C.A.
 Amsprop Trading Ltd. v. Harris Distribution Ltd. [1997] 1 W.L.R. 1025; [1997] 2 All E.R. 990
 Andre & Cie S.A. v. Orient Shipping (Rotterdam) B.V. [1997] 1 Lloyd's Rep. 139
 Andrews (Trustee of the Property of) v. Brock Builders (Kessingland) Ltd. [1997] Q.B. 674; [1997]
 3 W.L.R. 124, C.A.
 Anglo Irish Beef Processors International v. Federated Stevedores Geelong [1997] 1 Lloyd's Rep. 207

- Antares II, The [1996] 2 Lloyd's Rep. 482
- Apostolis, The. *See* Meredith Jones (A.) & Co. Ltd. v. Vangemar Shipping Co. Ltd.
- Arab Bank Plc. v. Banque Bruxelles Lambert S.A. *See* Sumitomo Bank Ltd. v. Banque Bruxelles Lambert S.A.
- Arab Business Consortium International Finance and Investment Co. v. Banque Franco-Tunisienne [1997] 1 Lloyd's Rep. 531, C.A.
- Arctic Trader, The. *See* Trade Star Line Corpn. v. Mitsui & Co. Ltd.
- Argos Distributors Ltd. v. Customs and Excise Comrs. (Case C-288/94) [1997] Q.B. 499; [1997] 2 W.L.R. 477, E.C.J.
- Armitage v. Nurse [1997] 3 W.L.R. 1046; [1997] 2 All E.R. 705, C.A.
- Arthur v. Anker [1997] Q.B. 564, C.A.
- Ashford Hotels Ltd. v. Higgins. *See* Allied Irish Bank v. Ashford Hotels Ltd.
- Associated Dairies Ltd. v. Baines [1997] A.C. 524; [1997] 2 W.L.R. 364; [1997] I.C.R. 652; [1997] 1 All E.R. 833, H.L.(E.)
- Atkins v. Wrekin District Council (Case C-228/94) [1997] I.C.R. 75, E.C.J.
- Atkinson v. Cumbria Valuation Tribunal (1996) 95 L.G.R. 717
- Atlantic Computer Systems Plc., *In re*. *See* *In re* Blackspur Group Plc.
- Attorney-General v. Blake [1997] Ch. 84
- Attorney-General v. MGN Ltd. [1997] 1 All E.R. 456, D.C.
- Attorney-General v. Newspaper Publishing Plc. [1997] 1 W.L.R. 926; [1997] 3 All E.R. 159, C.A.
- Attorney-General of Hong Kong v. Fairfax Ltd. [1997] 1 W.L.R. 149, P.C.
- Attorney-General of Jamaica v. Williams [1997] 3 W.L.R. 389, P.C.
- Attorney-General's Reference (No. 3 of 1994) [1997] 3 W.L.R. 421; [1997] 3 All E.R. 936, H.L.(E.)
- Attwood v. Anduff Carwash Ltd. (1997) T.C. Leaflet No. 3533, C.A.
- Austintel Ltd., *Ex parte* [1997] 1 W.L.R. 616, C.A.
- Avon County Council v. Hooper [1997] 1 W.L.R. 1605; [1997] 1 All E.R. 532, C.A.
- B., *Ex parte*. *See* Reg. v. Secretary of State for Social Security, *Ex parte* Joint Council for the Welfare of Immigrants
- B. (Minors) (Care Proceedings: Issue Estoppel), *In re* [1997] Fam. 117; [1997] 3 W.L.R. 1; [1997] 2 All E.R. 29
- Babcock Energy Ltd. (Third Party). *See* Jameson v. Central Electricity Generating Board
- Bainbridge v. Circuit Foil (U.K.) Ltd. [1997] I.C.R. 541, C.A.
- Ball v. Balfour Kilpatrick Ltd. [1997] I.C.R. 740, E.A.T.
- Banco Exterior Internacional S.A. v. Thomas [1997] 1 W.L.R. 221; [1997] 1 All E.R. 46, C.A.
- Bank of Credit and Commerce International (Overseas) Ltd. (In Liquidation) v. Ernst & Whinney (a firm). *See* Bank of Credit and Commerce International (Overseas) Ltd. (In Liquidation) v. Price Waterhouse (a firm) (No. 2)
- Bank of Credit and Commerce International (Overseas) Ltd. (In Liquidation) v. Price Waterhouse (a firm) [1997] 4 All E.R. 108
- Bank of Credit and Commerce International (Overseas) Ltd. (In Liquidation) v. Price Waterhouse (a firm) (No. 2) [1997] 3 W.L.R. 849; [1997] 4 All E.R. 781
- Bank of Credit and Commerce International S.A. (No. 8), *In re* [1997] 3 W.L.R. 909; [1997] 4 All E.R. 568, H.L.(E.)
- Bank of Credit and Commerce International S.A. (No. 10), *In re* [1997] Ch. 213; [1997] 2 W.L.R. 172; [1996] 4 All E.R. 796
- Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd. [1997] A.C. 191, H.L.(E.)
- Banque Cantonale Vaudoise v. Waterlily Maritime Inc. [1997] 2 Lloyd's Rep. 347
- Banque Worms v. Owners of the Ship or Vessel Maule. *See* Maule, The
- Barclays Bank Plc. v. Estates & Commercial Ltd. [1997] 1 W.L.R. 415, C.A.
- Barclays Bank Plc. v. Zarovabli [1997] Ch. 321; [1997] 2 W.L.R. 729; [1997] 2 All E.R. 19
- Barnes v. Chief Constable of Durham [1997] 2 Cr.App.R. 505, D.C.
- Barnett v. Brabyn (1996) T.C. Leaflet No. 3486
- Barrett v. Enfield London Borough Council [1997] 3 W.L.R. 628; [1997] 3 All E.R. 171, C.A.
- Barry, *Ex parte*. *See* Reg. v. Gloucestershire County Council, *Ex parte* Barry
- Barry v. Midland Bank Plc. [1997] I.C.R. 192, E.A.T.
- Bate, *Ex parte*. *See* Reg. v. Derwentside Justices, *Ex parte* Swift
- Bayerische Vereinsbank Aktiengesellschaft v. National Bank of Pakistan [1997] 1 Lloyd's Rep. 59
- Begley, *Ex parte*. *See* Reg. v. Chief Constable of the Royal Ulster Constabulary, *Ex parte* Begley
- Bell, *Ex parte*. *See* Reg. v. Birmingham Crown Court, *Ex parte* Bell
- Belvedere Court Management Ltd. v. Frogmore Developments Ltd. [1997] Q.B. 858, C.A.
- Bence Graphics International Ltd. v. Fasson U.K. Ltd. [1997] 3 W.L.R. 205; [1997] 1 All E.R. 979, C.A.
- Benson v. Boyce [1997] R.T.R. 226, D.C.
- Bentley v. Gaisford [1997] Q.B. 627; [1997] 2 W.L.R. 401; [1997] 1 All E.R. 842, C.A.

- Berge Sisar, The. *See* Borealis A.B. v. Stargas Ltd.
- Bergen, The [1997] 1 Lloyd's Rep. 380
- Berkoff v. Burchill [1996] 4 All E.R. 1008, C.A.
- Berkshire County Council v. Greenfield (1996) 95 L.G.R. 327, C.A.
- Berkshire Royal County Council, *Ex parte*. *See* Reg. v. Secretary of State for the Environment, *Ex parte* Berkshire Royal County Council
- Berridge v. Benjies Business Centre [1997] 1 W.L.R. 53; [1997] I.C.R. 58, P.C.
- Betts v. Brintel Helicopters Ltd. [1997] I.C.R. 792; [1997] 2 All E.R. 840, C.A.
- Billingham v. Myers (1996) 68 T.C. 512, Knox J. and C.A.
- Blackspur Group Plc., *In re* [1997] 1 W.L.R. 710
- Blood, *Ex parte*. *See* Reg. v. Human Fertilisation and Embryology Authority, *Ex parte* Blood
- Bolitho v. City and Hackney Health Authority [1997] 3 W.L.R. 1151; [1997] 4 All E.R. 771, H.L.(E.)
- Boote v. Banco do Brasil S.A. (1997) T.C. Leaflet No. 3509, C.A.
- Borealis A.B. v. Stargas Ltd. [1997] 1 Lloyd's Rep. 635; (Note) [1997] 1 Lloyd's Rep. 642
- Boss Group Ltd. v. Boss France S.A. [1997] 1 W.L.R. 351; [1996] 4 All E.R. 970, C.A.
- Bostock v. Totham (1997) T.C. Leaflet No. 3519
- Bowles, *Ex parte*. *See* Reg. v. Guildford Crown Court, *Ex parte* Director of Public Prosecutions
- Boys and Girls Welfare Society v. Macdonald [1997] I.C.R. 693, E.A.T.
- Braben v. EMAP Images Ltd. [1997] 1 W.L.R. 1507; [1997] 2 All E.R. 544
- Bradley v. London Electricity Plc. (1996) T.C. Leaflet No. 3491, Blackburne J.
- Brannigan v. Davison [1997] A.C. 238, P.C.
- Brennan v. Director of Public Prosecutions (Note) [1997] R.T.R. 384, D.C.
- Bricom Holdings Ltd. v. Inland Revenue Comrs. (1997) T.C. Leaflet No. 3534, C.A.
- Bristol and West Building Society v. Fancy & Jackson [1997] 4 All E.R. 582
- Bristol and West Building Society v. Mothew [1997] 2 W.L.R. 436; [1996] 4 All E.R. 698, C.A.
- British Educational Suppliers' Association, *Ex parte*. *See* Reg. v. Yorkshire Purchasing Organisation, *Ex parte* British Educational Suppliers' Association
- British Shipbuilders v. VSEL Consortium Plc. [1997] 1 Lloyd's Rep. 106
- British Steel Plc. v. Customs and Excise Comrs. [1997] 2 All E.R. 366, C.A.
- Bromsgrove Medical Products Ltd. v. Edgar Vaughan & Co. Ltd. [1997] 1 W.L.R. 1188; [1997] 2 All E.R. 56
- Brown, *Ex parte*. *See* Reg. v. Birmingham Crown Court, *Ex parte* Bell
- Brown v. Chief Adjudication Officer [1997] I.C.R. 266, C.A.
- Building Societies Commission v. Halifax Building Society [1997] Ch. 255
- Bull, *Ex parte*. *See* Reg. v. Radio Authority, *Ex parte* Bull
- Burgoine v. Waltham Forest London Borough Council (1996) 95 L.G.R. 520
- Burke v. Royal Liverpool University Hospital N.H.S. Trust [1997] I.C.R. 730, E.A.T.
- Burton v. De Vere Hotels Ltd. [1997] I.C.R. 1, E.A.T.
- Butte Mining Plc. v. Ernst & Young (a firm). *See* Ernst & Young (a firm) v. Butte Mining Plc. (No. 2) C., *Ex parte*. *See* Reg. v. Cheshire County Council, *Ex parte* C.
- C. (A Minor) (Care Proceedings: Disclosure), *In re* [1997] Fam. 76; [1997] 2 W.L.R. 322, C.A.
- C. (A Minor) (Interim Care Order: Residential Assessment), *In re* [1997] A.C. 489, H.L.(E.)
- C. v. Mirror Group Newspapers [1997] 1 W.L.R. 131; [1996] 4 All E.R. 511, C.A.; (pet. all.) [1997] 1 W.L.R. 1506, H.L.(E.)
- Cadogan v. McGirk [1996] 4 All E.R. 643, C.A.
- Camden London Borough Council v. Goldenberg (1996) 95 L.G.R. 693, C.A.
- Camdex International Ltd. v. Bank of Zambia (No. 2) [1997] 1 W.L.R. 632; [1997] 1 All E.R. 728, C.A.
- Campbell (A Bankrupt), *In re* [1997] Ch. 14
- Canada Trust Co. v. Stolzenberg [1997] 1 W.L.R. 1582, C.A.
- Canbolat, *Ex parte*. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Canbolat
- Canon Kabushiki Kaisha v. Green Cartridge Co. (Hong Kong) Ltd. [1997] A.C. 728; [1997] 3 W.L.R. 13, P.C.
- Canterbury City Council v. Howletts & Port Lympne Estates Ltd. [1997] I.C.R. 925
- Capital & Counties Plc. v. Hampshire County Council [1997] Q.B. 1004; [1997] 3 W.L.R. 331; [1997] 2 All E.R. 865; [1997] 2 Lloyd's Rep. 161, C.A.; (pet. dis.) [1997] 3 W.L.R. 364, H.L.(E.)
- Cargill International S.A. Antigua Geneva Branch v. Bangladesh Sugar & Food Industries Corpn. [1996] 2 Lloyd's Rep. 524
- Carr-Glynn v. Frearsons (a firm) [1997] 2 All E.R. 614
- Carter v. Reiner Moritz Associates Ltd. [1997] I.C.R. 881, E.A.T.
- Cassell v. Crutchfield (1996) T.C. Leaflet No. 3504
- Cenargo Navigation Ltd. v. Harbour of Carlingford Lough Improvement Comrs. [1997] 1 Lloyd's Rep.

- Centro Latino Americano de Comercio Exterior S.A. v. Owners of the Ship Kommunar [1997] 1 Lloyd's Rep. 1
- Centro Latino Americano de Comercio Exterior S.A. v. Owners of the Ship Kommunar (No. 2) [1997] 1 Lloyd's Rep. 8
- Centro Latino Americano de Comercio Exterior S.A. v. Owners of the Ship Kommunar (No. 3) [1997] 1 Lloyd's Rep. 22
- Centro-Com S.r.l., *Ex parte*. See Reg. v. H.M. Treasury, *Ex parte* Centro-Com S.r.l. (Case C-124/95)
- Chaggar v. Chaggar [1997] 1 All E.R. 104, C.A.
- Chaloner v. Pellipar Investments Ltd. (1996) 68 T.C. 238
- Chan v. Hackney London Borough Council [1997] I.C.R. 1014, E.A.T.
- Charter Reinsurance Co. Ltd. v. Fagan [1997] A.C. 313, Mance J., C.A. and H.L.(E.)
- Chatelard v. Director of Public Prosecutions [1997] R.T.R. 362, D.C.
- Cheltenham and Gloucester Plc. v. Krausz [1997] 1 W.L.R. 1558; [1997] 1 All E.R. 21, C.A.
- Chequepoint S.A.R.L. v. McClelland [1997] Q.B. 51, C.A.
- Chief Adjudication Officer v. Wolke [1997] 1 W.L.R. 1640, H.L.(E.)
- Christmas v. Taylor Woodrow Civil Engineering Ltd. [1997] 1 Lloyd's Rep. 407
- Chung Ping Kwan v. Lam Island Development Co. Ltd. [1997] A.C. 38, P.C.
- Church Comrs. for England v. Al-Emarah [1997] Fam. 34, C.A.
- Church of Jesus Christ of Latter-Day Saints (Great Britain) v. West Yorkshire Fire and Civil Defence Authority. See Capital & Counties Plc. v. Hampshire County Council
- Circuit Systems Ltd. (In Liquidation) v. Zuken-Redac (U.K.) Ltd. [1997] 1 W.L.R. 721; [1996] 3 All E.R. 748, C.A.; (pet. dis.) [1997] 1 W.L.R. 742, H.L.(E.)
- Circuit Systems Ltd. (In Liquidation) v. Zuken-Redac (U.K.) Ltd. (formerly Racal-Redac (U.K.) Ltd.). See Norglen Ltd. (In Liquidation) v. Reeds Rains Prudential Ltd.
- Civil Aviation Authority v. Internationale Nederlanden Aviation Lease B.V. (Note) [1997] 1 Lloyd's Rep. 96
- Clark v. Bye (1996) T.C. Leaflet No. 3506
- Clark v. Secretary of State for Employment [1997] I.C.R. 64, C.A.
- Clarke v. Kato [1997] 1 W.L.R. 208; [1997] R.T.R. 264, C.A.; (pet. all.) [1997] 1 W.L.R. 966, H.L.(E.)
- Cleveland Ambulance N.H.S. Trust v. Blane [1997] I.C.R. 851, E.A.T.
- Coad v. Cornwall and Isles of Scilly Health Authority [1997] 1 W.L.R. 189, C.A.
- Cobra Golf Inc. v. Rata [1997] 2 W.L.R. 629; [1997] 2 All E.R. 150
- Cochrane, *Ex parte*. See Reg. v. South Ribble Magistrates, *Ex parte* Cochrane
- Cockburn v. Chief Adjudication Officer [1997] 1 W.L.R. 799; [1997] 3 All E.R. 844, H.L.(E.)
- Cofie, *Ex parte*. See Reg. v. South Western Magistrates' Court, *Ex parte* Cofie
- Coles, *Ex parte*. See Reg. v. Portsmouth City Council, *Ex parte* Coles
- Colonia Versicherung A.G. v. Amoco Oil Co. [1997] 1 Lloyd's Rep. 261, C.A.
- Comdel Commodities Ltd. v. Siporex Trade S.A. [1997] 1 Lloyd's Rep. 424, Colman J. and C.A.
- Commercial Union Assurance Co. Plc. v. Mander [1996] 2 Lloyd's Rep. 640
- Comr. of Inland Revenue v. Cosmotron Manufacturing Co. Ltd. [1997] 1 W.L.R. 1288, P.C.
- Comr. of Income Tax v. Savundranayagam (1957) 67 T.C. 239, P.C.
- Comr. of the Independent Commission against Corruption v. Ch'ng Poh [1997] 1 W.L.R. 1175, P.C.
- Conde, *Ex parte*. See Reg. v. Stratford Youth Court, *Ex parte* Conde
- Conlon, *Ex parte*. See Reg. v. Stockport Justices, *Ex parte* Conlon
- Connell, *Ex parte*. See Reg. v. Maidstone Crown Court, *Ex parte* Lever
- Connelly v. R.T.Z. Corpn. Plc. (pet. all.) [1997] 1 W.L.R. 340; [1997] 3 W.L.R. 373; [1997] 4 All E.R. 335, H.L.(E.)
- Continental Pacific Shipping Ltd. v. Deemand Shipping Co. Ltd. [1997] 1 Lloyd's Rep. 404
- Cook v. Medway Housing Society Ltd. (1996) T.C. Leaflet No. 3502
- Cooke, *Ex parte*. See Reg. v. Liverpool Crown Court, *Ex parte* Cooke
- Co-operative Insurance Society Ltd. v. Argyll Stores (Holdings) Ltd. [1997] 2 W.L.R. 898; [1997] 3 All E.R. 297, H.L.(E.)
- Corporacion Nacional del Cobre de Chile v. Sogemin Metals Ltd. [1997] 1 W.L.R. 1396; [1997] 2 All E.R. 917
- Cory Brothers Ltd. v. Baldan Ltd. [1997] 2 Lloyd's Rep. 58
- Cosgrove v. Director of Public Prosecutions [1997] R.T.R. 153, D.C.
- Cosmick Transport Services Ltd. v. Bedfordshire County Council [1997] R.T.R. 132, D.C.
- Cosslett (Contractors) Ltd., *In re* [1997] Ch. 23
- Cott UK Ltd. v. F. E. Barber Ltd. [1997] 3 All E.R. 540
- Couch v. Caton's Administrators (1997) T.C. Leaflet No. 3532, C.A.
- Court of Appeal, Criminal Division, A Guide to Proceedings [1997] 2 Cr.App.R. 459, C.A.
- Cox, *Ex parte*. See Reg. v. Croydon Crown Court, *Ex parte* Cox
- Crédit Lyonnais v. New Hampshire Insurance Co. [1997] 1 Lloyd's Rep. 191; [1997] 2 Lloyd's Rep. 1, C.A.

- Credit Lyonnais Bank Nederland N.V. v. Burch [1997] 1 All E.R. 144, C.A.
 Crédit Suisse v. Allerdale Borough Council [1997] Q.B. 306, C.A.
 Crédit Suisse v. Waltham Forest London Borough Council [1997] Q.B. 362, C.A.
 Crédit Suisse Fides Trust S.A. v. Cuoghi [1997] 3 W.L.R. 871; [1997] 3 All E.R. 673, C.A.
 Crown River Cruises Ltd. v. Kimbolton Fireworks Ltd. [1996] 2 Lloyd's Rep. 533
 Culmer v. The Queen [1997] 1 W.L.R. 1296, P.C.
 Culverden Retirement Village Ltd. v. Registrar of Companies [1997] A.C. 303; [1997] 2 W.L.R. 291, P.C.
 Cuoghi v. Governor of Brixton Prison [1997] 1 W.L.R. 1346, C.A.
 Customs and Excise Comrs. v. DFDS A/S (Case C-260/95) [1997] 1 W.L.R. 1037, E.C.J.
 Cutter v. Eagle Star Insurance Co. Ltd. [1997] 1 W.L.R. 1082; [1997] 2 All E.R. 311, C.A.; (pet. all.) [1997] 1 W.L.R. 1091H, H.L.(E.)
- Darya Tara, The. *See* Seals (L.D.) N.V. v. Mitsui Osk Lines Ltd.
 Davy International Ltd. v. Durnig. *See* Davy International Ltd. v. Tazzyman
 Davy International Ltd. v. Tazzyman [1997] 1 W.L.R. 1256; [1997] 3 All E.R. 183, C.A.
 Deaville v. Aeroflot Russian International Airlines [1997] 2 Lloyd's Rep. 67
 Debtor, A v. Inland Revenue Comrs. (1994) 68 T.C. 157
 Debtor (No. 50A-SD-1995), *In re* A [1997] Ch. 310; [1997] 2 W.L.R. 57; [1997] 2 All E.R. 789
 Debtor (No. 400-IO-1996), *In re* A [1997] 1 W.L.R. 1319
 Debtor (No. 401-IO-1996), *In re* A. *See In re* A Debtor (No. 400-IO-1996)
 Diakou v. Islington Unison "A" Branch [1997] I.C.R. 121, E.A.T.
 Dickinson v. Enfield London Borough Council (1996) 95 L.G.R. 379, C.A.
 Dickson, *Ex parte*. *See* Reg. v. Criminal Injuries Compensation Board, *Ex parte* Dickson
 Digital Equipment Co. Ltd. v. Clements (No. 2) [1997] I.C.R. 237, E.A.T.
 Digital Equipment Co. Ltd. v. Hampshire County Council. *See* Capital & Counties Plc. v. Hampshire County Council
 Dillenkofer v. Federal Republic of Germany (Joined Cases C-178, 179 and 188-190/94) [1997] Q.B. 259; [1997] 2 W.L.R. 253, E.C.J.
 Director of Public Prosecutions, *Ex parte*. *See* Reg. v. Croydon Youth Court, *Ex parte* Director of Public Prosecutions; Reg. v. Guildford Crown Court, *Ex parte* Director of Public Prosecutions
 Director of Public Prosecutions v. Arnup. *See* Gorman v. Director of Public Prosecutions (Note)
 Director of Public Prosecutions v. Brodzky (Note) [1997] R.T.R. 425, D.C.
 Director of Public Prosecutions v. H. [1997] 1 W.L.R. 1406, D.C.
 Director of Public Prosecutions v. Jones. *See* Director of Public Prosecutions v. McKeown
 Director of Public Prosecutions v. Jones (Margaret) [1997] 2 W.L.R. 578; [1997] 2 All E.R. 119; [1997] 2 Cr.App.R. 59, D.C.
 Director of Public Prosecutions v. K. and B. [1997] 1 Cr.App.R. 36, D.C.
 Director of Public Prosecutions v. Khan (Nasim) [1997] R.T.R. 82, D.C.
 Director of Public Prosecutions v. McKeown [1997] 1 W.L.R. 295; [1997] 1 All E.R. 737; [1997] R.T.R. 162; [1997] 2 Cr.App.R. 155, H.L.(E.)
 Director of Public Prosecutions v. Mansfield [1997] R.T.R. 96, D.C.
 Director of Public Prosecutions v. Mills [1997] Q.B. 300, D.C.
 Director of Public Prosecutions v. Mooney [1997] R.T.R. 434, C.A.
 Director of Public Prosecutions v. Ormsby (Note) [1997] R.T.R. 394, D.C.
 Director of Public Prosecutions v. Sabapathie [1997] 1 W.L.R. 483, P.C.
 Dobson v. North Tyneside Health Authority [1997] 1 W.L.R. 596; [1996] 4 All E.R. 474, C.A.
 Dowler, *Ex parte*. *See* Reg. v. Peterborough Magistrates' Court, *Ex parte* Dowler
 Downs v. Chappell [1997] 1 W.L.R. 426; [1996] 3 All E.R. 344, C.A.
 Duckwari Plc., *In re* [1997] Ch. 201; [1997] 2 W.L.R. 48
 Duffy v. Jones (1996) 95 L.G.R. 568
 Dunbar v. Plant [1997] 3 W.L.R. 1261; [1997] 4 All E.R. 289, C.A.
 Dunbar Bank Plc. v. Nadeem [1997] 2 All E.R. 253
 Dunthorne v. Bentley [1996] R.T.R. 428, C.A.
- East Suffolk Local Health Services N.H.S. Trust v. Palmer [1997] I.C.R. 425, E.A.T.
 Eastern Trader, The. *See* Industrial Maritime Carriers (Bahamas) Inc. v. Sinoca International Inc.
 Economides v. Commercial Assurance Co. Plc. [1997] 3 W.L.R. 1066; [1997] 3 All E.R. 636, C.A.
 Edinburgh Council (City of) v. Secretary of State for Scotland [1997] 1 W.L.R. 1447, H.L.(Sc.)
 Electricity Supply Nominees Ltd. v. Farrell [1997] 1 W.L.R. 1149; [1997] 2 All E.R. 498, C.A.
 Elf Enterprise Caledonia Ltd. v. Inland Revenue Comrs. (1994) 68 T.C. 328
 Elida Gibbs Ltd. v. Customs and Excise Comrs. (Case C-317/94). *See* Argos Distributors Ltd. v. Customs and Excise Comrs. (Case C-288/94)
 Elitestone Ltd. v. Morris [1997] 1 W.L.R. 687; [1997] 2 All E.R. 513, H.L.(E.)

- Ernst & Young (a firm) v. Butte Mining Plc. (No. 2) [1997] 1 W.L.R. 1485; [1997] 2 All E.R. 471; [1997] 1 Lloyd's Rep. 313
- Esselte A.B. v. Pearl Assurance Plc. [1997] 1 W.L.R. 891; [1997] 2 All E.R. 41, C.A.
- Esslemont v. Marshall (1996) 68 T.C. 596, Judge Paul Baker Q.C. and C.A.
- Esso Petroleum Co. Ltd. v. Milton [1997] 1 W.L.R. 938; [1997] 2 All E.R. 593, C.A.; (pet. all.) [1997] 1 W.L.R. 1060, H.L.(E.)
- Estonian Shipping Co. Ltd. v. Wansa (trading as D. & M. Impex). *See* A/S D/S Svendborg v. Wansa (trading as Melborne Enterprises)
- Evans, *Ex parte*. *See* Reg. v. Governor of Brockhill Prison, *Ex parte* Evans
- Evergos Naftiki Eteria v. Cargill Plc [1997] 1 Lloyd's Rep. 35
- Ewing (No. 2), *Ex parte* (pet. dis.) [1997] 1 W.L.R. 52, H.L.(E.)
- Excess Insurance Co. Ltd. v. Mander [1997] 2 Lloyd's Rep. 119
- Ezekiel v. Orakpo [1997] 1 W.L.R. 340, C.A.; (pet. dis.) [1997] 1 W.L.R. 527, H.L.(E.)
- Fairpo v. Humberside County Council [1997] 1 All E.R. 183
- Farah v. Comr. of Police of the Metropolis [1997] 2 W.L.R. 824; [1997] 1 All E.R. 289, C.A.
- Farrell v. Long (Case C-295/95) [1997] Q.B. 842; [1997] 3 W.L.R. 613, E.C.J.
- Farrington v. The Queen [1997] A.C. 395, P.C.
- Fawcett v. Special Comrs. and Lancaster Farmers Auction Mart Co. Ltd. (1996) T.C. Leaflet No. 3508, C.A.
- Fellowes v. Clyde Helicopters Ltd. *See* Herd v. Clyde Helicopters Ltd.
- Ferguson v. Davies [1997] 1 All E.R. 315, C.A.
- Fernandez v. Instituto Nacional de Empleo (Case C-102/95). *See* Martínez Losada v. Instituto Nacional de Empleo (Case C-88/95)
- Figg v. Clarke [1997] 1 W.L.R. 603; T.C. Leaflet No. 3511
- Fininvest S.p.A., *Ex parte*. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Fininvest S.p.A.
- Fletamentos Maritimos S.A. v. Effjohn International B.V. (No. 2) [1997] 1 Lloyd's Rep. 295; [1997] 2 Lloyd's Rep. 302, C.A.
- Fletcher v. Midland Bank Plc. *See* Preston v. Wolverhampton Healthcare N.H.S. Trust
- Forbes v. Wandsworth Health Authority [1997] Q.B. 402, C.A.
- Forthright Finance Ltd. v. Carlyle Finance Ltd. [1997] 4 All E.R. 90, C.A.
- Forthright Finance Ltd. v. Ingate [1997] 4 All E.R. 99, C.A.
- Forward v. Hendricks [1997] 2 All E.R. 295, C.A.
- Francis, *Ex parte*. *See* Reg. v. Birmingham Crown Court, *Ex parte* Bell
- Francis v. Director of Public Prosecutions [1997] R.T.R. 113, D.C.
- Fraser v. Director of Public Prosecutions [1997] R.T.R. 373, D.C.
- Fraser Shipping Ltd. v. Colton [1997] 1 Lloyd's Rep. 586
- Friends' Provident Life Office v. Hillier Parker May & Rowden [1997] Q.B. 85, C.A.
- Frost v. Chief Constable of South Yorkshire Police [1997] 3 W.L.R. 1194, C.A.
- Fruta Oceanica Brasileira S.A. v. Steamship Mutual Underwriting Association (Bermuda) Ltd. [1996] 2 Lloyd's Rep. 461, C.A.
- Frotanorte, The. *See* Fruta Oceanica Brasileira S.A. v. Steamship Mutual Underwriting Association (Bermuda) Ltd.
- Fry v. Foreign and Commonwealth Office [1997] I.C.R. 512, E.A.T.
- Fuji Finance Inc. v. Aetna Life Assurance Co. Ltd. [1997] Ch. 173, C.A.; (pet. all.) [1997] 1 W.L.R. 482, H.L.(E.)
- Fuller v. The Queen. *See* Wallace v. The Queen
- G. (A Minor) (Adoption: Freeing Order), *In re* [1997] A.C. 613; [1997] 2 W.L.R. 747; [1997] 2 All E.R. 534, H.L.(E.)
- G. v. G. (Periodical Payments) [1997] 2 W.L.R. 614; [1997] 1 All E.R. 272, C.A.
- Galaxy Energy International Ltd. v. Novorossiysk Shipping Co. [1997] 1 Lloyd's Rep. 284
- Gardner v. Marsh & Parsons (a firm) [1997] 1 W.L.R. 489; [1997] 3 All E.R. 871, C.A.
- Garner v. Pounds. *See* Garner v. Pounds Shipowners and Shipbreakers Ltd.
- Garner v. Pounds Shipowners and Shipbreakers Ltd. (1997) T.C. Leaflet No. 3513
- Gascoine v. Wharton (1996) T.C. Leaflet No. 3498
- George Austin Ltd., *Ex parte*. *See* Reg. v. Portsmouth City Council, *Ex parte* Coles
- Georgian Maritime Corpn. v. Sealand Industries (Bermuda) Ltd. [1997] 2 Lloyd's Rep. 324
- Gilbert Rowe, The. *See* Rowan Companies Inc. v. Lambert Eggink Offshore Transport Consultants VOF
- Gilmore, *Ex parte*. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Gilmore
- Girobank Plc. v. Clarke (1996) T.C. Leaflet No. 3477
- Glasgow City Council v. Zafar [1997] 1 W.L.R. 1659, H.L.(Sc.)
- Glatzer and Warrick Shipping Ltd. v. Bradston Ltd. [1997] 1 Lloyd's Rep. 449

- Glaxo Group Ltd. v. Inland Revenue Comrs. (1995) 68 T.C. 166, Robert Walker J. and C.A.
 Glencore Grain Rotterdam B.V. v. Lebanese Organisation for International Commerce (Lorico) [1997] 1 Lloyd's Rep. 578; [1997] 2 Lloyd's Rep. 386; [1997] 4 All E.R. 514, C.A.
 Goodbrand v. Loffland Brothers North Sea Inc. (1996) T.C. Leaflet No. 3505
 Goodchild, decd., *In re* [1997] 1 W.L.R. 1216; [1997] 3 All E.R. 63, C.A.
 Goodwin v. Curtis (1996) T.C. Leaflet No. 3494
 Gorman v. Director of Public Prosecutions (Note) [1997] R.T.R. 409, D.C.
 Goulding v. James [1996] 4 All E.R. 865; [1997] 2 All E.R. 239, C.A.
 Goupil (Case C-39/95), *In re*. See Mrozek and Jäger (Case C-335/94), *In re*
 Governing Body of Clifton Middle School v. Askew [1997] I.C.R. 808, E.A.T.
 Grains & Furrages S.A. v. Huyton [1997] 1 Lloyd's Rep. 628
 Great House at Sonning Ltd., The v. Berkshire County Council [1996] R.T.R. 407; 95 L.G.R. 350, C.A.
 Green, *Ex parte*. See Reg. v. City of London Magistrates' Court, *Ex parte* Green
 Green v. Staples. See Reg. v. City of London Magistrates' Court, *Ex parte* Green
 Grovit v. Doctor [1997] 1 W.L.R. 640; [1997] 2 All E.R. 417, H.L.(E.)
 Gunns v. Par Insurance Brokers [1997] 1 Lloyd's Rep. 173
 H. (A Minor) (Adoption: Non-patril), *In re* [1997] 1 W.L.R. 791; [1996] 4 All E.R. 600, C.A.
 H. (A Minor) (Blood Tests: Parental Rights), *In re* [1997] Fam. 89, C.A.
 H. (Minors) (Abduction: Acquiescence), *In re* [1997] 2 W.L.R. 563; [1997] 2 All E.R. 225, H.L.(E.)
 HIB Ltd. v. Guardian Insurance Co. Inc. [1997] 1 Lloyd's Rep. 412
 Hackney London Borough Council v. Usher [1997] I.C.R. 705, E.A.T.
 Hague v. Director of Public Prosecutions [1997] R.T.R. 146, D.C.
 Halfpenny v. IGE Medical Systems Ltd. [1997] I.C.R. 1007, E.A.T.
 Halki Shipping Corpn. v. Sopex Oils Ltd. [1997] 1 W.L.R. 1268; [1997] 3 All E.R. 833
 Hamilton v. The Queen. See Williams (Kervin) v. The Queen
 Hamptons Residential Ltd. v. Field [1997] 1 Lloyd's Rep. 302
 Hanjin Shipping Co. Ltd. v. Procter & Gamble (Philippines) Inc. [1997] 2 Lloyd's Rep. 341
 Happy Fellow, The [1997] 1 Lloyd's Rep. 130
 Hargreaves, *Ex parte*. See Reg. v. Secretary of State for the Home Department, *Ex parte* Hargreaves
 Harrow London Borough Council v. Johnstone [1997] 1 W.L.R. 459; [1997] 1 All E.R. 929; 95 L.G.R. 470, H.L.(E.)
 Hatton v. Hall [1997] R.T.R. 212, C.A.
 Haydon v. Lo & Lo (a firm) [1997] 1 W.L.R. 198; [1997] 1 Lloyd's Rep. 336, P.C.
 Hayward, decd., *In re* [1997] Ch. 45
 Heaviside, *Ex parte*. See Reg. v. Derwentside Justices, *Ex parte* Heaviside
 Hegarty v. E.E. Caledonia Ltd. [1997] 2 Lloyd's Rep. 259, C.A.
 Hellenic Mutual War Risks Association (Bermuda) Ltd. v. Harrison [1997] 1 Lloyd's Rep. 160
 Help the Aged, *Ex parte*. See Reg. v. Sefton Metropolitan Borough Council, *Ex parte* Help the Aged
 Hendrikman v. Magenta Druck & Verlag G.m.b.H. (Case C-78/95) [1997] Q.B. 426; [1997] 2 W.L.R. 349, E.C.J.
 Henfield v. Attorney-General of the Commonwealth of the Bahamas [1997] A.C. 413, P.C.
 Henke v. Gemeinde Schierke (Case C-298/94) [1997] I.C.R. 746, E.C.J.
 Henwood v. Clarke (1997) T.C. Leaflet No. 3523
 Herd v. Clyde Helicopters Ltd. [1997] A.C. 534; [1997] 2 W.L.R. 380; [1997] 1 All E.R. 775, H.L.(Sc.)
 Hertfordshire County Council, *Ex parte*. See Reg. v. Registered Homes Tribunal, *Ex parte* Hertfordshire County Council
 Hindcastle Ltd. v. Barbara Attenborough Associates Ltd. [1997] A.C. 70, H.L.(E.)
 Hodge, *Ex parte*. See Reg. v. Bristol Justices, *Ex parte* Hodge
 Homepower Stores Ltd., *In re*. See *In re* Powerstore (Trading) Ltd.
 Hood Sailmakers Ltd. v. Axford [1997] 1 W.L.R. 625; [1996] 4 All E.R. 830
 Housing Services Agency v. Cragg [1997] I.C.R. 1050, E.A.T.
 Hsu v. Comr. of Police of the Metropolis. See Thompson v. Comr. of Police of the Metropolis
 Hughes v. Clewley [1996] 2 Lloyd's Rep. 667
 Hunter v. Butler [1996] R.T.R. 396, C.A.
 Hunter v. Canary Wharf Ltd. [1997] A.C. 655, C.A.; [1997] A.C. 655; [1997] 2 W.L.R. 684; [1997] 2 All E.R. 426, H.L.(E.)
 Hunter v. London Docklands Development Corpn. See Hunter v. Canary Wharf Ltd.
 Hunter v. Skingley [1997] 1 W.L.R. 1466; [1997] 3 All E.R. 568, C.A.
 Hurlingham Estates Ltd. v. Wilde & Partners [1997] 1 Lloyd's Rep. 525
 Hytec Information Systems Ltd. v. Coventry City Council [1997] 1 W.L.R. 1666, C.A.

- Iberian U.K. Ltd. v. B.P.B. Industries Plc. [1997] I.C.R. 164
 Immigration Advisory Service v. Oommen [1997] I.C.R. 683, E.A.T.
 In Shops Centres Plc. v. Derby City Council (1996) 95 L.G.R. 161
 India Steamship Co. v. Louis Dreyfus Sugar Ltd. [1997] 1 Lloyd's Rep. 57
 India (Republic of) v. India Steamship Co. Ltd. (No. 2) [1997] 2 W.L.R. 538; [1996] 3 All E.R. 641; [1996] 2 Lloyd's Rep. 12, C.A.; (pet. all.) [1997] 2 W.L.R. 556d; [1997] 3 W.L.R. 818; [1997] 4 All E.R. 380, H.L.(E.)
 Indian Reliance, The. *See* India Shipping Co. v. Louis Dreyfus Sugar Ltd.
 Industrial Maritime Carriers (Bahamas) Inc. v. Sinoca International Inc. [1996] 2 Lloyd's Rep. 585
 Ingman Foods Oy AB, *Ex parte*. *See* Reg. v. Law Society, *Ex parte* Ingman Foods Oy AB
 Ingram, *Ex parte*. *See* Reg. v. Hereford Magistrates' Court, *Ex parte* Rowlands
 Ingram v. Inland Revenue Comrs. [1997] 4 All E.R. 395, C.A.
 Inland Revenue Comrs. v. McGuckian [1997] 1 W.L.R. 991; [1997] 3 All E.R. 817; T.C. Leaflet No. 3524, H.L.(N.I.)
 Inland Revenue Comrs. v. Oldham Training and Enterprise Council (1996) T.C. Leaflet No. 3495
 Inland Revenue Comrs. v. Quigley (1995) 67 T.C. 535
 Inland Revenue Comrs. v. Reed International Plc. (1995) 67 T.C. 552, Blackburne J. and C.A.
 Inland Revenue Comrs. v. Universities Superannuation Scheme Ltd. (1996) T.C. Leaflet No. 3499
 Inland Revenue Comrs. v. Willoughby [1997] 1 W.L.R. 1071; [1997] 4 All E.R. 65; T.C. Leaflet No. 3528, H.L.(E.)
 International Trader's Ferry Ltd., *Ex parte*. *See* Reg. v. Chief Constable of Sussex, *Ex parte* International Trader's Ferry Ltd.
 Internationale Nederlanden Aviation Lease B.V. v. Civil Aviation Authority [1997] 1 Lloyd's Rep. 80
 Issa v. Hackney London Borough Council [1997] 1 W.L.R. 956; [1997] 1 All E.R. 999; 95 L.G.R. 671, C.A.
 Jacquet v. Land Nordrhein-Westfalen (Case C-65/96). *See* Uecker v. Land Nordrhein-Westfalen (Case C-64/96)
 Jameson v. Central Electricity Generating Board [1997] 3 W.L.R. 151; [1997] 4 All E.R. 38, C.A.; (pet. all.) [1997] 3 W.L.R. 179b-c, H.L.(E.)
 Jarrett v. Barclays Bank Plc. [1997] 3 W.L.R. 654; [1997] 2 All E.R. 484, C.A.
 Jenks v. Dickinson (1997) T.C. Leaflet No. 3522
 John v. MGN Ltd. [1997] Q.B. 586, C.A.
 Johnson v. Davies [1997] 1 W.L.R. 1511; [1997] 1 All E.R. 921
 Johnson v. Prudential Assurance Co. Ltd. (1996) T.C. Leaflet No. 3484
 Johnson (E.) & Co. (Barbados) Ltd. v. N.S.R. Ltd. [1997] A.C. 400, P.C.
 Joiner v. Director of Public Prosecutions (Note) [1997] R.T.R. 387, D.C.
 Joint Council for the Welfare of Immigrants, *Ex parte*. *See* Reg. v. Secretary of State for Social Security, *Ex parte* Joint Council for the Welfare of Immigrants
 Jones, *Ex parte*. *See* Reg. v. Shropshire County Council, *Ex parte* Jones
 Jones v. First National Bank Plc. *See* Jarrett v. Barclays Bank Plc.
 Jones v. Governing Body of Burdett Coutts School [1997] I.C.R. 390, E.A.T.
 Jones v. Jones [1997] Fam. 59; [1997] 2 W.L.R. 373, C.A.
 Jones v. Mid-Glamorgan County Council [1997] I.C.R. 417, E.A.T.; [1997] I.C.R. 815, C.A.
 Jones v. Roe Shopfitting Ltd. *See* Perry v. Wong
 Jones v. Secretary of State for Wales [1997] 1 W.L.R. 1008; [1997] 2 All E.R. 507
 Jones v. Tower Boot Co. Ltd. [1997] I.C.R. 254; [1997] 2 All E.R. 406, C.A.
 Jones (F.C.) & Sons (a firm) (Trustee of the Property of) v. Jones [1997] Ch. 159, C.A.; (pet. dis.) [1997] 1 W.L.R. 51, H.L.(E.)
 Jordan, *Ex parte*. *See* Reg. v. Harrow Justices, *Ex parte* Jordan
 Jukes v. S.G. Warburg & Co. Ltd. (1996) T.C. Leaflet No. 3479
 Kaliningrad, The. *See* Nadezhda Krupskaya, The
 Kavarindrasingh v. White [1997] 1 W.L.R. 785; [1997] 1 All E.R. 714, C.A.
 Keenaghan, *Ex parte*. *See* Reg. v. Stockport Justices, *Ex parte* Conlon
 Kent County Council v. Holland (1996) 95 L.G.R. 633, D.C.
 Ketchum International Plc. v. Group Public Relations Holdings Ltd. [1997] 1 W.L.R. 4; [1996] 4 All E.R. 374, C.A.
 King v. Walden (1995) 68 T.C. 387, Evans-Lombe J. and C.A.
 Kleinwort Benson Ltd. v. Birmingham City Council [1997] Q.B. 380, C.A.
 Kleinwort Benson Ltd. v. Glasgow City Council [1997] 3 W.L.R. 923; [1997] 4 All E.R. 641, H.L.(E.)
 Knowles v. Fire Brigades Union [1997] I.C.R. 595; [1996] 4 All E.R. 653, C.A.
 Kommunar, The. *See* Centro Latino Americano de Commercio Exterior S.A. v. Owners of the Ship Kommunar
 Krubert, decd., *In re* [1997] Ch. 97, C.A.

- Kumari v. Jalal [1997] 1 W.L.R. 97; [1996] 4 All E.R. 65, C.A.
 Kurnia Dewi, The. *See* Smit International Singapore Pte. Ltd. v. Kurnia Dewi Shipping S.A.
 Kuwait Oil Tanker Co. S.A.K. v. Al Bader [1997] 1 W.L.R. 1410; [1997] 2 All E.R. 855, C.A.
 Kwik Save Stores Ltd. v. Greaves [1997] I.C.R. 629, E.A.T.
 Kwik Save Stores Ltd. v. Swain [1977] I.C.R. 49, E.A.T.
- L. (A Minor) (Police Investigation: Privilege), *In re* [1997] A.C. 16, H.L.(E.)
 L. (A Minor) v. Director of Public Prosecutions [1996] 2 Cr.App.R. 501, D.C.
 L. (Adoption: Disclosure of Information), *In re* [1997] 2 W.L.R. 739, C.A.
 Lacey's Footwear (Wholesale) Ltd. v. Bowler International Freight Ltd. [1997] 2 Lloyd's Rep. 369, C.A.
 Laconian Confidence, The. *See* Andre & Cie S.A. v. Orient Shipping (Rotterdam) B.V.
 Lake Avery, The. *See* Union-de Remorquage et de Sauvetage S.A. v. Lake Avery Inc.
 Lancashire County Council v. Municipal Mutual Assurance Ltd. [1997] Q.B. 897, C.A.
 Landau (A Bankrupt), *In re* [1997] 3 W.L.R. 225; [1997] 3 All E.R. 322
 Lasertop Ltd. v. Webster [1997] I.C.R. 828, E.A.T.
 Launder, *Ex parte*. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Launder
 Lazarevic v. Secretary of State for the Home Department. *See* Adan v. Secretary of State for the Home Department
 Lee Chun-kong v. The Queen. *See* Thongjai v. The Queen
 Lendoudis Evangelos II, The. *See* Continental Pacific Shipping Ltd. v. Deesand Shipping Co. Ltd.
 Leslie v. The Queen. *See* Williams (Kervin) v. The Queen
 Lever, *Ex parte*. *See* Reg. v. Maidstone Crown Court, *Ex parte* Lever
 Levin, *Ex parte*. *See* Reg. v. Governor of Brixton Prison, *Ex parte* Levin
 Lexmar Corp'n. v. Nordisk Skisrederforening [1997] 1 Lloyd's Rep. 289
 Liner Shipping Ltd. v. Vatis (trading as Kronos Management). *See* Petroleum Shipping Ltd. v. Vatis (trading as Kronos Management)
 Lloyds Bank Plc. v. Carrick [1996] 4 All E.R. 630, C.A.
 London Underground Ltd. v. Fitzgerald [1997] I.C.R. 271, E.A.T.
 London Waste Regulation Authority v. Drinkwater Sabey Ltd. (1996) 95 L.G.R. 220, D.C.
 Longden v. British Coal Corp'n. [1997] 3 W.L.R. 1336, H.L.(E.)
 Luc Thiet Thuan v. The Queen [1997] A.C. 131, P.C.
 Lynch v. Pensions Ombudsman. *See* Seifert v. Pensions Ombudsman
- M. (A Minor) (Care Order: Jurisdiction), *In re* [1997] Fam. 67; [1997] 2 W.L.R. 314; [1997] 1 All E.R. 263
 M. C. Pearl, The. *See* Mahavir Minerals Ltd. v. Cho Yang Shipping Co. Ltd.
 M.D. Foods Plc. (formerly Associated Dairies Ltd.) v. Baines. *See* Associated Dairies Ltd. v. Baines
 M.R.S. Environmental Services Ltd. v. Marsh [1997] I.C.R. 995; [1997] 1 All E.R. 92, C.A.
 McCafferey v. Datta [1997] 1 W.L.R. 870; [1997] 2 All E.R. 586, C.A.
 Macarthur v. Greycoat Estates Mayfair Ltd. (1995) 67 T.C. 598
 McCausland v. Duncan Lawrie Ltd. [1997] 1 W.L.R. 38; [1996] 4 All E.R. 995, C.A.
 McDermott v. Director of Public Prosecutions [1997] R.T.R. 474, D.C.
 McDonald, *Ex parte*. *See* Reg. v. Bow Street Magistrates' Court, *Ex parte* McDonald
 MacEachern v. Carr (1996) 68 T.C. 196
 McFarlane v. Wilkinson [1997] 2 Lloyd's Rep. 259, C.A.
 McKenzie v. Director of Public Prosecutions [1997] R.T.R. 175, D.C.
 McKinney v. Hagans Caravans (Manufacturing) Ltd. (1997) T.C. Leaflet No. 3531, C.A.(N.I.)
 McKnight v. Sheppard (1996) T.C. Leaflet No. 3487; (1997) T.C. Leaflet No. 3250, C.A.
 McLaren v. Mumford (1996) T.C. Leaflet No. 3493
 McManus v. Griffiths (1997) T.C. Leaflet No. 3529
 McMeechan v. Secretary of State for Employment [1997] I.C.R. 549, C.A.
 MacNiven v. Westmoreland Investments Ltd. (1997) T.C. Leaflet No. 3530
 Mahavir Minerals Ltd. v. Cho Yang Shipping Co. Ltd. [1997] 1 Lloyd's Rep. 566
 Mahmud v. Bank of Credit and Commerce International S.A. [1997] 3 W.L.R. 95; [1997] I.C.R. 606; [1997] 3 All E.R. 1, H.L.(E.)
 Mahon v. Rahn [1997] 3 W.L.R. 1230, C.A.
 Mainschiffahrts-Genossenschaft e.G. (MSG) v. Les Gravières Rhénanes S.a.r.l. (Case C-106/95) [1997] Q.B. 731; [1997] 3 W.L.R. 179, E.C.J.
 Mainwaring v. Goldtech Investments Ltd. [1997] 1 All E.R. 467
 Mainwaring v. Goldtech Investments Ltd. (No. 2) [1997] 4 All E.R. 16
 Malik v. Bank of Credit and Commerce International S.A. *See* Mahmud v. Bank of Credit and Commerce International S.A.
 Manifest Shipping & Co. Ltd. v. Uni-Polaris Insurance Co. Ltd. [1997] 1 Lloyd's Rep. 360, C.A.

- Mann v. Secretary of State for Employment. *See* Secretary of State for Employment v. Mann
 Mannai Investment Co. Ltd. v. Eagle Star Life Assurance Co. Ltd. [1997] A.C. 749; [1997] 2 W.L.R. 945; [1997] 3 All E.R. 352, H.L.(E.)
- Marc Rich & Co. A.G. (now Glencore International) A.G. v. Portman [1997] 1 Lloyd's Rep. 225, C.A.
- Maritius Oil Refineries Ltd. v. Stolt-Nielsen Nederlands B.V. [1997] 1 Lloyd's Rep. 273
- Marshall v. N.M. Financial Management Ltd. [1997] 1 W.L.R. 1527; [1997] I.C.R. 1065, C.A.
- Martin, *Ex parte*. *See* Reg. v. Camden London Borough Council, *Ex parte* Martin
- Martinez Losada v. Instituto Nacional de Empleo (Case C-88/95) [1997] I.C.R. 1100, E.C.J.
- Massey v. Albany Life Assurance Co. Ltd. *See* Albany Home Loans Ltd. v. Massey
- Master, Governors and Commonality of the Mystery of the Barbers of London, *Ex parte*. *See* Reg. v. City of London Corpn., *Ex parte* Master, Governors and Commonality of the Mystery of the Barbers of London
- Matson, *Ex parte*. *See* Reg. v. City of London Corpn., *Ex parte* Matson
- Maule, The [1997] 1 W.L.R. 528; [1997] 1 Lloyd's Rep. 419, P.C.
- Maxwell, *Ex parte*. *See* Reg. v. Lord Chancellor, *Ex parte* Maxwell
- Mecklermedia Corpn. v. D.C. Congress G.m.b.H. [1997] 3 W.L.R. 479
- Medway (H. & K.) Ltd., *In re* [1997] 1 W.L.R. 1422; [1997] 2 All E.R. 321
- Memec Plc. v. Inland Revenue Comrs. (1996) T.C. Leaflet No. 3496
- Mennell v. Newell & Wright (Transport Contractors) Ltd. [1997] I.C.R. 1039, C.A.
- Merchant Venture, The. *See* Cenargo Navigation Ltd. v. Harbour of Carlingford Lough Improvement Comrs.
- Merckx v. Ford Motors Co. (Belgium) S.A. (Case C-171/94) [1997] I.C.R. 352, E.C.J.
- Meredith Jones (A.) & Co. Ltd. v. Vangemar Shipping Co. Ltd. [1997] 2 Lloyd's Rep. 241, C.A.
- Meridien BIAO Bank G.m.b.H. v. Bank of New York [1997] 1 Lloyd's Rep. 437, Nicholas Strauss Q.C. and C.A.
- Metalloy Supplies Ltd. v. M.A. (U.K.) Ltd. [1997] 1 W.L.R. 1613; [1997] 1 All E.R. 418, C.A.
- Michaels v. Harley House (Marylebone) Ltd. [1997] 1 W.L.R. 967; [1997] 3 All E.R. 446
- Mid Kent Holdings Plc. v. General Utilities Plc. [1997] 1 W.L.R. 14; [1996] 3 All E.R. 132
- Miners v. Atkinson (1995) T.C. Leaflet No. 3500
- Ministry of Defence v. Lowe. *See* Ministry of Defence v. Pope
- Ministry of Defence v. Lowe (No. 2). *See* Ministry of Defence v. O'Hare (No. 2)
- Ministry of Defence v. O'Hare. *See* Ministry of Defence v. Pope
- Ministry of Defence v. O'Hare (No. 2) [1997] I.C.R. 306, E.A.T.
- Ministry of Defence v. Pope [1997] I.C.R. 296, E.A.T.
- Mitsubishi Heavy Industries Ltd. v. Gulf Bank K.S.C. [1997] 1 Lloyd's Rep. 343, C.A.
- Morgan Grenfell & Co. Ltd. v. Sutton London Borough Council (1996) 95 L.G.R. 574, C.A.
- Moses v. The State [1997] A.C. 53, P.C.
- Mrozek and Jäger (Case C-335/94), *In re* [1997] R.T.R. 238, E.C.J.
- Mugford v. Midland Bank Plc. [1997] I.C.R. 399, E.A.T.
- Mulcahy v. Ministry of Defence (pet. dis.) [1997] 1 W.L.R. 294, H.L.(E.)
- Mullen v. Conoco Ltd. [1997] 3 W.L.R. 1032, C.A.
- Mullen v. Hackney London Borough Council [1997] 1 W.L.R. 1103; [1997] 2 All E.R. 906; 95 L.G.R. 587, C.A.
- Muller v. Amersham & Wycombe College. *See* Pfaffinger v. City of Liverpool Community College
- Munroe (John) (Acrylics) Ltd. v. London Fire and Civil Defence Authority. *See* Capital & Counties Plc. v. Hampshire County Council
- Munroe (John) (Acrylics) Ltd. v. London Fire and Civil Defence Authority [1997] Q.B. 983
- Murphy v. Young & Co.'s Brewery Plc. [1997] 1 W.L.R. 1591; [1997] 1 All E.R. 518; [1997] 1 Lloyd's Rep. 236, C.A.
- Mutual Reinsurance Co. Ltd. v. Peat Marwick Mitchell & Co. [1997] 1 Lloyd's Rep. 253, C.A.
- N. (A Minor) (Sexual Abuse: Video Evidence), *In re* [1997] 1 W.L.R. 153; [1996] 4 All E.R. 225, C.A.
- Nadezhda Krupskaya, The [1997] 2 Lloyd's Rep. 35
- Napier v. UNUM Ltd. (formerly NEL Permanent Health Insurances Ltd.) [1996] 2 Lloyd's Rep. 550
- Naporano Iron & Metal Co. v. Sivas Iron & Steelworks Inc. [1997] 2 Lloyd's Rep. 359
- National Association of Head Teachers, *Ex parte*. *See* Reg. v. Department for Education and Employment, *Ex parte* National Association of Head Teachers
- National Federation of Self-Employed and Small Businesses Ltd. v. Philpott [1997] I.C.R. 518, E.A.T.
- National Trust for Places of Historic Interest or Natural Beauty v. Ashbrook [1997] 4 All E.R. 76
- National Union of Teachers v. Governing Body of St. Mary's Church of England (Aided) Junior School [1997] I.C.R. 334, C.A.
- Nationwide Building Society v. Lewis [1997] 1 W.L.R. 1181; [1997] 3 All E.R. 498
- Naughton, *Ex parte*. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Naughton
- Nelson v. Nelson [1997] 1 W.L.R. 233; [1997] 1 All E.R. 970, C.A.

- Nerva v. R.L. & G. Ltd. [1997] I.C.R. 11, C.A.
- Netherlands (State of The) (represented by the Minister of Defence) v. Youell [1997] 2 Lloyd's Rep. 440
- Neuhuys v. Ford Motors Co. (Belgium) S.A. (Case C-172/94). *See* Merckx v. Ford Motors Co. (Belgium) S.A. (Case C-171/94)
- Neville v. Wilson [1997] Ch. 144, C.A.
- New Zealand Forest Products Ltd. v. New Zealand Insurance Co. Ltd. [1997] 1 W.L.R. 1237, P.C.
- Newbury District Council v. Russell (1997) 95 L.G.R. 705
- Newcastle Protection and Indemnity Association v. V. Ships (U.S.A.) Inc. [1996] 2 Lloyd's Rep. 515
- Ng Enterprises Ltd. v. Urban Council [1997] A.C. 168, P.C.
- Nguyen Tuan Cuong v. Director of Immigration [1997] 1 W.L.R. 68, P.C.
- Nicholls v. Nicholls [1997] 1 W.L.R. 314; [1997] 2 All E.R. 97, C.A.
- Nichols v. Gibson (1996) 68 T.C. 611, Sir John Vinelott J. and C.A.
- Nooh v. Secretary of State for the Home Department. *See* Adan v. Secretary of State for the Home Department
- Norglen Ltd. (In Liquidation) v. Reeds Rains Prudential Ltd. [1997] 3 W.L.R. 1177, H.L.(E.)
- North Sea, The. *See* Georgian Maritime Corp'n. v. Sealand Industries (Bermuda) Ltd.
- North Sea Energy Holdings N.V. v. Petroleum Authority of Thailand [1997] 2 Lloyd's Rep. 418
- Northern Bank Ltd., *Ex parte*. *See* Reg. v. O'Kane, *Ex parte* Northern Bank Ltd.
- Noscoe v. Director of Public Prosecutions. *See* Brennan v. Director of Public Prosecutions (Note)
- Nukila, The. *See* Promet Engineering (Singapore) Pte. Ltd. v. Sturge
- Nykredit Mortgage Bank Plc. v. Edward Erdman Group Ltd. (formerly Edward Erdman (an unlimited company)) (No. 2) [1997] 1 W.L.R. 1627, H.L.(E.)
- Oasis Merchandising Services Ltd., *In re* [1997] 2 W.L.R. 764; [1997] 1 All E.R. 1009, C.A.; (pet. dis.) [1997] 1 W.L.R. 1197, H.L.(E.)
- Obi, *Ex parte*. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Obi
- O'Brien v. Secker (1996) 95 L.G.R. 560, C.A.
- Ocean Enterprise, The. *See* Glatzer and Warrick Shipping Ltd. v. Bradston Ltd.
- Ogun, *Ex parte*. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Gilmore
- O'Hara v. Chief Constable of the Royal Ulster Constabulary [1997] A.C. 286; [1997] 2 W.L.R. 1; [1997] 2 All E.R. 129; [1997] 1 Cr.App.R. 447, H.L.(N.I.)
- OLL Ltd. v. Secretary of State for Transport [1997] 3 All E.R. 897
- Olotu v. Home Office [1997] 1 W.L.R. 328; [1997] 1 All E.R. 385, C.A.
- O'Neill v. Governors of St. Thomas More Roman Catholic Voluntarily Aided Upper School [1997] I.C.R. 33, E.A.T.
- O'Rourke v. Camden London Borough Council [1997] 3 W.L.R. 86; [1997] 3 All E.R. 23, H.L.(E.)
- Ostle v. Alnwick Town Council (1996) 95 L.G.R. 437, C.A.
- P., *Ex parte*. *See* Reg. v. Berkshire County Council, *Ex parte* P.
- P. (A Minor) (Child Abduction: Non-Convention Country), *In re* [1997] Fam. 45; [1997] 2 W.L.R. 223, C.A.
- P.-B. (A Minor) (Child Cases: Hearings in Open Court), *In re* [1997] 1 All E.R. 58, C.A.
- P. & O. Property Holdings Ltd. v. Allen [1997] I.C.R. 436, E.A.T.
- P. v. T. Ltd. [1997] 1 W.L.R. 1309; [1997] I.C.R. 887; [1997] 4 All E.R. 200
- Page v. Combined Shipping and Trading Co. Ltd. [1997] 3 All E.R. 656, C.A.
- Page v. Sheerness Steel Co. Plc. *See* Wells v. Wells
- Paredes v. Instituto Nacional de Empleo (Case C-103/95). *See* Martínez Losada v. Instituto Nacional de Empleo (Case C-88/95)
- Park Air Services Plc., *In re* [1997] 1 W.L.R. 1376; [1997] 3 All E.R. 193, C.A.
- Parkes v. Legal Aid Board [1997] 1 W.L.R. 1547; [1996] 4 All E.R. 271, C.A.
- Peacock v. First National Bank Plc. *See* Jarrett v. Barclays Bank Plc.
- Pearce v. Ove Arup Partnership Ltd. [1997] Ch. 293; [1997] 2 W.L.R. 779; [1997] 3 All E.R. 31
- Peninsular and Oriental Steam Navigation Co. v. Youell [1997] 2 Lloyd's Rep. 136, C.A.
- Penn v. Bristol & West Building Society [1997] 1 W.L.R. 1356; [1997] 3 All E.R. 470, C.A.; (pet. dis.) [1997] 1 W.L.R. 1366F, H.L.(E.)
- Percy v. Hall [1997] Q.B. 924; [1997] 3 W.L.R. 573; [1996] 4 All E.R. 523, C.A.
- Performing Right Society Ltd. v. Rowland [1997] 3 All E.R. 336
- Perry v. Wong [1997] 1 W.L.R. 381, C.A.
- Petr Schmidt, The. *See* Galaxy Energy International Ltd. v. Novorossiysk Shipping Co.
- Petroleum Shipping Ltd. v. Vatis (trading as Kronos Management) [1997] 2 Lloyd's Rep. 314
- Pfaffinger v. City of Liverpool Community College [1997] I.C.R. 142, E.A.T.
- Phonographic Performance Ltd. v. A.E.I. Rediffusion Music Ltd. [1997] 3 W.L.R. 982; [1997] 3 All E.R. 560

- Phonographic Performance Ltd. v. Maitra [1997] 3 All E.R. 673
- Pickford v. Imperial Chemical Industries Plc. [1997] I.C.R. 566, C.A.
- Pierson, *Ex parte*. See Reg. v. Secretary of State for the Home Department, *Ex parte* Pierson
- Pigott v. Staines Investments Ltd. (1995) 68 T.C. 342
- Plumbly v. Spencer (1997) T.C. Leaflet No. 3510
- Popat v. Shonchhatra [1997] 1 W.L.R. 1367; [1997] 3 All E.R. 800, C.A.
- Post Office v. Adekeye [1997] I.C.R. 110, C.A.
- Powerstore (Trading) Ltd., *In re* [1997] 1 W.L.R. 1280
- Practice Direction (Commercial Court: Costs) [1997] 1 W.L.R. 1198; [1997] 4 All E.R. 286; [1997] 2 Lloyd's Rep. 366
- Practice Direction (Commercial Summonses: Time Estimates) [1997] 1 W.L.R. 955; [1997] 2 All E.R. 1024; [1997] 2 Lloyd's Rep. 364
- Practice Direction (Companies Court: Provisional Liquidator) [1997] 1 W.L.R. 3; [1996] 4 All E.R. 1024
- Practice Direction (Companies Court: Schemes and Reductions) [1997] 1 W.L.R. 1; [1996] 4 All E.R. 1022
- Practice Direction (Court of Appeal: Skeleton Arguments and Case Management) [1997] 1 W.L.R. 1535; [1997] 4 All E.R. 830, C.A.
- Practice Direction (Crime: Antecedents) (No. 2) [1997] 1 W.L.R. 1482; [1997] 4 All E.R. 350
- Practice Direction (Crown Office List: Consent Orders) [1997] 1 W.L.R. 825; [1997] 2 All E.R. 799; [1997] 2 Cr.App.R. 338
- Practice Direction (Crown Office List: Legislation Bundle) [1997] 1 W.L.R. 52; [1997] 1 All E.R. 128; [1997] 1 Cr.App.R. 472
- Practice Direction (Court of Appeal: Amended Procedure) [1997] 1 W.L.R. 1013; [1997] 2 All E.R. 927, C.A.
- Practice Direction (Family Proceedings: Financial Dispute Resolution) [1997] 1 W.L.R. 1069; [1997] 3 All E.R. 768
- Practice Direction (Guide to Commercial Court Practice: Fourth Edition) [1997] 2 Lloyd's Rep. 365
- Practice Direction (House of Lords: Civil Procedure Amendment) [1997] 1 W.L.R. 167; [1997] 2 Lloyd's Rep. 240, H.L.
- Practice Direction (Mercantile Lists: Leeds and Newcastle upon Tyne) [1997] 1 W.L.R. 219; [1997] 2 All E.R. 223
- Practice Note (Arbitration: New Procedure) [1997] 1 W.L.R. 391; [1997] 1 All E.R. 379
- Practice Note (Patents Court: Sittings) [1997] 1 W.L.R. 1421
- Practice Note (Persistent Vegetative State: Withdrawal of Treatment) [1996] 4 All E.R. 766
- Practice Note (Taxation: Fees) [1997] 1 W.L.R. 218; [1997] 1 All E.R. 1024
- Preston v. Wolverhampton Healthcare N.H.S. Trust [1997] I.C.R. 899, C.A.
- Prison Service v. Johnson [1997] I.C.R. 275, E.A.T.
- Promet Engineering (Singapore) Pte. Ltd. v. Sturge [1997] 2 Lloyd's Rep. 146, C.A.
- Protank Orinoco, The. See Protank Shipping Inc. v. Total Transport Corpn.
- Protank Shipping Inc. v. Total Transport Corpn. [1997] 2 Lloyd's Rep. 42
- Providence Capitol Trustees Ltd. v. Ayres [1996] 4 All E.R. 760
- Prussia, *Ex parte*. See Reg. v. Hereford Magistrates' Court, *Ex parte* Rowlands
- Purvis, *In re* [1997] 3 All E.R. 663
- Racal Group Services Ltd. v. Ashmore (1995) 68 T.C. 86, Vinelott J. and C.A.
- Racoon Ltd. v. Turnbull [1997] A.C. 158, P.C.
- Radivojevic v. Secretary of State for the Home Department. See Adan v. Secretary of State for the Home Department
- Rahman, *Ex parte*. See Reg. v. Secretary of State for the Home Department, *Ex parte* Rahman
- Razzaq v. Pala [1997] 1 W.L.R. 1336
- Red Sea, The. See Trasimex Holding S.A. v. Addax B.V.
- Redbank Schools Ltd. v. Abdullazadeh (1995) 95 L.G.R. 176, C.A.
- Reg. v. Acott [1997] 1 W.L.R. 306; [1997] 1 All E.R. 706; [1997] 2 Cr.App.R. 94, H.L.(E.)
- Reg. v. Adames [1997] R.T.R. 110, C.A.
- Reg. v. Adams. See Reg. v. Doheny
- Reg. v. Adams (Denis) [1996] 2 Cr.App.R. 467, C.A.
- Reg. v. Akhbar. See Reg. v. Miah
- Reg. v. Aldridge. See Reg. v. Diedrich
- Reg. v. Alford (J.F.) Transport Ltd. [1997] 2 Cr.App.R. 326, C.A.
- Reg. v. Alford (James). See Reg. v. Alford (J.F.) Transport Ltd.
- Reg. v. Ali (Sajid Pasha). See Reg. v. Graham
- Reg. v. Alves [1997] 1 Cr.App.R. 78, C.A.
- Reg. v. Argent [1997] 2 Cr.App.R. 27, C.A.

- Reg. v. Arnold. *See* Reg. v. Fellows
- Reg. v. Arnold (Lyndon) [1997] 4 All E.R. 1, C.A.
- Reg. v. Austin [1996] R.T.R. 414, C.A.
- Reg. v. B. (R.A.) [1997] 2 Cr.App.R. 88, C.A.
- Reg. v. Barclay. *See* Reg. v. Schot
- Reg. v. Barham. *See* Reg. v. Jones (Brian)
- Reg. v. Bedwellty Justices, *Ex parte* Williams [1997] A.C. 225, H.L.(E.)
- Reg. v. Beedie [1997] 3 W.L.R. 758; [1997] 2 Cr.App.R. 167, C.A.
- Reg. v. Bergman [1996] 2 Cr.App.R. 399, C.A.
- Reg. v. Berkshire County Council, *Ex parte* P. (1996) 95 L.G.R. 449
- Reg. v. Berkshire County Council, *Ex parte* Wokingham District Council (1996) 95 L.G.R. 609, C.A.
- Reg. v. Birmingham Crown Court, *Ex parte* Bell [1997] 2 Cr.App.R. 363, D.C.
- Reg. v. Birmingham Crown Court, *Ex parte* Brown. *See* Reg. v. Birmingham Crown Court, *Ex parte* Bell
- Reg. v. Birmingham Crown Court, *Ex parte* Francis. *See* Reg. v. Birmingham Crown Court, *Ex parte* Bell
- Reg. v. Blake [1997] 1 W.L.R. 1167; [1997] 1 All E.R. 963; [1997] 1 Cr.App.R. 209, C.A.
- Reg. v. Blarick. *See* Reg. v. Jones (Ivor)
- Reg. v. Bloomfield [1997] 1 Cr.App.R. 135, C.A.
- Reg. v. Bow Street Magistrates' Court, *Ex parte* McDonald (1996) 95 L.G.R. 359, C.A.
- Reg. v. Bowen [1997] 1 W.L.R. 372; [1996] 4 All E.R. 837, C.A.
- Reg. v. Brady. *See* Reg. v. Jackson (Andrew)
- Reg. v. Bramich. *See* Reg. v. Graham
- Reg. v. Bretscher. *See* Reg. v. Townsend
- Reg. v. Bristol Justices, *Ex parte* Hodge [1997] Q.B. 974; [1997] 2 W.L.R. 756; [1996] 4 All E.R. 924
- Reg. v. Brown (Daniel) [1997] 1 Cr.App.R. 112, C.A.
- Reg. v. Brown (Matthew). *See* Reg. v. Brown (Daniel)
- Reg. v. Brown (Winston) [1997] 3 W.L.R. 447; [1997] 3 All E.R. 769, H.L.(E.)
- Reg. v. Bull (Carl) [1997] R.T.R. 123, C.A.
- Reg. v. Burstow. *See* Reg. v. Ireland
- Reg. v. Burstow [1997] 1 Cr.App.R. 144, C.A.
- Reg. v. Camden London Borough Council, *Ex parte* Martin [1997] 1 W.L.R. 359; [1997] 1 All E.R. 307
- Reg. v. Campbell (Colin) [1997] 1 Cr.App.R. 199, C.A.
- Reg. v. Carrick District Council, *Ex parte* Shelley (1996) 95 L.G.R. 620
- Reg. v. Charlton (1995) 67 T.C. 500, C.A.
- Reg. v. Chennells. *See* Reg. v. Jones (Ivor)
- Reg. v. Cheshire County Council, *Ex parte* C. (1996) 95 L.G.R. 299
- Reg. v. Chief Constable of Sussex, *Ex parte* International Trader's Ferry Ltd. [1997] 3 W.L.R. 132; [1997] 2 All E.R. 65, C.A.; (pet. all.) [1997] 1 W.L.R. 1092, H.L.(E.)
- Reg. v. Chief Constable of the North Wales Police, *Ex parte* AB [1997] 3 W.L.R. 724; [1997] 4 All E.R. 691, D.C.
- Reg. v. Chief Constable of the Royal Ulster Constabulary, *Ex parte* Begley [1997] 1 W.L.R. 1475; [1997] 4 All E.R. 833, H.L.(N.I.)
- Reg. v. Choudhury [1996] 2 Cr.App.R. 484, C.A.
- Reg. v. Christou (George) [1997] A.C. 117, H.L.(E.)
- Reg. v. City of London Corpn., *Ex parte* Master, Governors and Commonality of the Mystery of the Barbers of London (1996) 95 L.G.R. 459
- Reg. v. City of London Corpn., *Ex parte* Matson [1997] 1 W.L.R. 765, C.A.
- Reg. v. City of London Magistrates' Court, *Ex parte* Green [1997] 3 All E.R. 551, D.C.
- Reg. v. Clark (Paul) [1997] 1 W.L.R. 557; [1997] 4 All E.R. 803, C.A.
- Reg. v. Collins (Lezlie) [1997] R.T.R. 439, C.A.
- Reg. v. Collins (Stephen). *See* Reg. v. Bergman
- Reg. v. Comr. of Police of the Metropolis, *Ex parte* Thompson [1997] 1 W.L.R. 1519; [1997] 2 Cr.App.R. 49, D.C.
- Reg. v. Condron (Karen). *See* Reg. v. Condron (William)
- Reg. v. Condron (William) [1997] 1 W.L.R. 827; [1997] 1 Cr.App.R. 185, C.A.
- Reg. v. Conroy [1997] 2 Cr.App.R. 285, C.A.
- Reg. v. Constanza [1997] 2 Cr.App.R. 492, C.A.
- Reg. v. Crawford (Charisse) [1997] 1 W.L.R. 1329, C.A.
- Reg. v. Criminal Injuries Compensation Board, *Ex parte* A. [1997] 3 W.L.R. 776; [1997] 3 All E.R. 745, C.A.
- Reg. v. Criminal Injuries Compensation Board, *Ex parte* Dickson [1997] 1 W.L.R. 58, C.A.
- Reg. v. Croydon Crown Court, *Ex parte* Cox [1997] 1 Cr.App.R. 20, D.C.

- Reg. v. Croydon Youth Court, *Ex parte* Director of Public Prosecutions [1997] 2 Cr.App.R. 411, D.C.
- Reg. v. Day (Barry) [1997] 1 Cr.App.R. 181, C.A.
- Reg. v. Dearsley. *See* Reg. v. Townsend
- Reg. v. Department for Education and Employment, *Ex parte* National Association of Head Teachers (1996) 95 L.G.R. 683
- Reg. v. Derwentside Justices, *Ex parte* Heaviside [1996] R.T.R. 384, D.C.
- Reg. v. Dhillon (Kuljit Singh) [1997] 2 Cr.App.R. 104, C.A.
- Reg. v. Derwentside Justices, *Ex parte* Swift [1997] R.T.R. 89, D.C.
- Reg. v. Diedrich [1997] 1 Cr.App.R. 361, C.A.
- Reg. v. Doheny [1997] 1 Cr.App.R. 369, C.A.
- Reg. v. Doherty [1997] 2 Cr.App.R. 218, C.A.
- Reg. v. Dures [1997] 2 Cr.App.R. 247, C.A.
- Reg. v. Dures (Stephen). *See* Reg. v. Dures
- Reg. v. East Sussex County Council, *Ex parte* Tandy [1997] 3 W.L.R. 884; 95 L.G.R. 745, C.A.
- Reg. v. Emmett [1997] 3 W.L.R. 1119; [1997] 4 All E.R. 737, H.L.(E.)
- Reg. v. English. *See* Reg. v. Powell (Anthony)
- Reg. v. Fellows [1997] 2 All E.R. 548; [1997] 1 Cr.App.R. 244, C.A.
- Reg. v. Fernandez [1997] 1 Cr.App.R. 123, C.A.
- Reg. v. Forsyth [1997] 2 Cr.App.R. 299, C.A.
- Reg. v. Friend [1997] 1 W.L.R. 1433; [1997] 2 All E.R. 1011; [1997] 2 Cr.App.R. 231, C.A.
- Reg. v. Gateway Foodmarkets Ltd. [1997] I.C.R. 382; [1997] 3 All E.R. 78; [1997] 2 Cr.App.R. 40, C.A.
- Reg. v. George. *See* Reg. v. Roberts (David)
- Reg. v. Giannetto [1997] 1 Cr.App.R. 1, C.A.
- Reg. v. Gloucestershire County Council, *Ex parte* Barry [1997] A.C. 584; [1997] 2 W.L.R. 459; [1997] 2 All E.R. 1; 95 L.G.R. 638, H.L.(E.)
- Reg. v. Glover. *See* Reg. v. Conroy
- Reg. v. Gokal [1997] 2 Cr.App.R. 266, C.A.
- Reg. v. Governor of Brixton Prison, *Ex parte* Levin [1997] Q.B. 65, D.C.; (pet. all.) [1997] 1 W.L.R. 51; [1997] A.C. 741; [1997] 3 W.L.R. 117; [1997] 3 All E.R. 289, H.L.(E.)
- Reg. v. Governor of Brockhill Prison, *Ex parte* Evans [1997] Q.B. 443; [1997] 2 W.L.R. 236; [1997] 1 All E.R. 439; [1997] 1 Cr.App.R. 282, D.C.
- Reg. v. Governor of Onley Young Offender Institution, Rugby, *Ex parte* Reid. *See* Reg. v. Governor of Brockhill Prison, *Ex parte* Evans
- Reg. v. Graham [1997] 1 Cr.App.R. 302, C.A.
- Reg. v. Graham (Garry). *See* Reg. v. Graham
- Reg. v. Grimsby and Cleethorpes Justices, *Ex parte* Walters [1997] 1 W.L.R. 89, D.C.
- Reg. v. Guildford Crown Court, *Ex parte* Director of Public Prosecutions [1997] 2 W.L.R. 936; [1996] 4 All E.R. 961; [1997] 1 Cr.App.R. 436, D.C.; (pet. all.) [1997] 1 W.L.R. 1070, H.L.(E.)
- Reg. v. H.(L.) [1997] 1 Cr.App.R. 176
- Reg. v. H.M. Treasury, *Ex parte* Centro-Com S.r.l. (Case C-124/95) [1997] Q.B. 683; [1997] 3 W.L.R. 239, E.C.J.
- Reg. v. Hagan [1997] 1 Cr.App.R. 464, C.A.
- Reg. v. Hancock [1996] 2 Cr.App.R. 554, C.A.
- Reg. v. Harron [1996] 2 Cr.App.R. 457, C.A.
- Reg. v. Harrow Justices, *Ex parte* Jordan [1997] 1 W.L.R. 84; [1997] 2 All E.R. 344, D.C.
- Reg. v. Harrow Youth Court, *Ex parte* Prussia. *See* Reg. v. Hereford Magistrates' Court, *Ex parte* Rowlands
- Reg. v. Hawkins (Paul) [1997] 1 Cr.App.R. 234, C.A.
- Reg. v. Hedworth [1997] 1 Cr.App.R. 421, C.A.
- Reg. v. Hereford Magistrates' Court, *Ex parte* Ingram. *See* Reg. v. Hereford Magistrates' Court, *Ex parte* Rowlands
- Reg. v. Hereford Magistrates' Court, *Ex parte* Rowlands [1997] 2 W.L.R. 854; [1997] 2 Cr.App.R. 340, D.C.
- Reg. v. Hilton [1997] 2 Cr.App.R. 445, C.A.
- Reg. v. Hopkins. *See* Reg. v. Kendrick
- Reg. v. Horseferry Road Magistrates' Court, *Ex parte* K. [1997] Q.B. 23, D.C.
- Reg. v. Howes [1996] 2 Cr.App.R. 490, C.A.
- Reg. v. Human Fertilisation and Embryology Authority, *Ex parte* Blood [1997] 2 W.L.R. 806; [1997] 2 All E.R. 687, C.A.
- Reg. v. Hunt (1994) 68 T.C. 132, C.A.
- Reg. v. Inland Revenue Comrs., *Ex parte* Allen (1997) T.C. Leaflet No. 3516, D.C.
- Reg. v. Inland Revenue Comrs., *Ex parte* Continental Shipping Ltd. S.A. (1996) T.C. Leaflet No. 3483
- Reg. v. Inland Revenue Comrs., *Ex parte* Dhesi (1995) 67 T.C. 580

- Reg. v. Inland Revenue Comrs., *Ex parte McVeigh* (1995) 68 T.C. 121
- Reg. v. Inland Revenue Comrs., *Ex parte Roux Waterside Inn Ltd.* (1997) T.C. Leaflet No. 3517
- Reg. v. Inland Revenue Comrs., *Ex parte S. G. Warburg & Co. Ltd.* (1994) 68 T.C. 300
- Reg. v. Inland Revenue Comrs., *Ex parte Tracy* (1995) 67 T.C. 457
- Reg. v. Inland Revenue Comrs., *Ex parte Ulster Bank Ltd.* (1997) T.C. Leaflet No. 3251, McCullough J. and C.A.
- Reg. v. Inland Revenue Comrs., *Ex parte Unilever Plc.* (1996) 68 T.C. 205, Macpherson of Cluny J. and C.A.
- Reg. v. Inspector of Taxes, King's Cross, *Ex parte Uchendu* (1993) 67 T.C. 487
- Reg. v. Ireland [1997] Q.B. 114, C.A.; (pet. all.) [1997] 1 W.L.R. 118; [1997] 3 W.L.R. 534; [1997] 4 All E.R. 225, H.L.(E.)
- Reg. v. Jackson (Andrew) [1997] 2 Cr.App.R. 497, C.A.
- Reg. v. Jackson (Terry) [1996] 2 Cr.App.R. 420, C.A.
- Reg. v. Jarman. *See* Reg. v. Jones (Ivor)
- Reg. v. Johnson (Anthony) [1997] 1 W.L.R. 367; [1996] 2 Cr.App.R. 434, C.A.
- Reg. v. Jones (Brian) [1997] 2 Cr.App.R. 119, C.A.
- Reg. v. Jones (Diane). *See* Reg. v. Jones (Ivor)
- Reg. v. Jones (Ivor) [1997] Q.B. 798; [1997] 2 W.L.R. 792; [1997] 1 Cr.App.R. 46, C.A.
- Reg. v. Jones (Steven) [1997] 1 Cr.App.R. 86, C.A.
- Reg. v. Kansal (Rupe Lal). *See* Reg. v. Graham
- Reg. v. Kearns. *See* Reg. v. Jackson (Andrew)
- Reg. v. Kendrick [1997] 2 Cr.App.R. 524, C.A.
- Reg. v. Kennion [1997] R.T.R. 421, C.A.
- Reg. v. Khan (Sultan) [1997] A.C. 558, H.L.(E.)
- Reg. v. Law Society, *Ex parte Ingman Foods Oy AB* [1997] 2 All E.R. 666
- Reg. v. Liverpool Crown Court, *Ex parte Cooke* [1997] 1 W.L.R. 700; [1996] 4 All E.R. 589; 95 L.G.R. 315, D.C.
- Reg. v. London Rent Assessment Panel, *Ex parte Cadogan Estates Ltd.* [1997] 3 W.L.R. 833
- Reg. v. Lord Chancellor, *Ex parte Maxwell* [1997] 1 W.L.R. 104; [1996] 4 All E.R. 751, D.C.
- Reg. v. McGregor (Susan). *See* Reg. v. Doherty
- Reg. v. McWilliams. *See* Reg. v. Chief Constable of the Royal Ulster Constabulary, *Ex parte Begley*
- Reg. v. Maguire (Francis) [1997] 1 Cr.App.R. 61, C.A.
- Reg. v. Mahmood (Khalid) [1997] 1 Cr.App.R. 414, C.A.
- Reg. v. Manzur (Nanah). *See* Reg. v. Mahmood (Khalid)
- Reg. v. Marison [1997] R.T.R. 457, C.A.
- Reg. v. Marsh (Dwayne) [1997] 1 W.L.R. 649, C.A.
- Reg. v. Marsh (Terence). *See* Reg. v. Graham
- Reg. v. Marsh (William) [1997] R.T.R. 195; [1997] 1 Cr.App.R. 67, C.A.
- Reg. v. Martin. *See* Reg. v. Obellim
- Reg. v. Mazo [1997] 2 Cr.App.R. 518, C.A.
- Reg. v. Miah [1997] 2 Cr.App.R. 12, C.A.
- Reg. v. Michael. *See* Reg. v. Hancock
- Reg. v. Miller (Vance) [1997] 2 Cr.App.R. 178, C.A.
- Reg. v. Mills [1997] 3 W.L.R. 458; [1997] 3 All E.R. 780, H.L.(E.)
- Reg. v. Mills (Brett) [1997] 2 Cr.App.R. 206, C.A.
- Reg. v. Ministry of Agriculture, Fisheries and Food, *Ex parte Hedley Lomas (Ireland) Ltd.* (Case C-5/94) [1997] Q.B. 139, E.C.J.
- Reg. v. Molloy, decd. [1997] 2 Cr.App.R. 283, C.A.
- Reg. v. Morgan (Gerald). *See* Reg. v. Murray (Anthony)
- Reg. v. Morrissey. *See* Reg. v. Staines
- Reg. v. Murray (Anthony) [1997] 2 Cr.App.R. 136, C.A.
- Reg. v. Myers [1997] 3 W.L.R. 552; [1997] 4 All E.R. 314, H.L.(E.)
- Reg. v. Nagrecha [1997] 2 Cr.App.R. 401, C.A.
- Reg. v. Newark and Southwell Justices, *Ex parte Keenaghan*. *See* Reg. v. Stockport Justices, *Ex parte Conlon*
- Reg. v. Obellim [1997] 1 Cr.App.R. 355, C.A.
- Reg. v. O'Kane, *Ex parte Northern Bank Ltd.* (1996) T.C. Leaflet No. 3497
- Reg. v. Okosi [1997] R.T.R. 450, C.A.
- Reg. v. Oldham Justices, *Ex parte Cawley* [1997] Q.B. 1, D.C.
- Reg. v. Oliver (Ian) [1996] 2 Cr.App.R. 514, C.A.
- Reg. v. Packer. *See* Reg. v. Jackson (Andrew)
- Reg. v. Payne. *See* Reg. v. Alford (J.F.) Transport Ltd.
- Reg. v. Peterborough Magistrates' Court, *Ex parte Dowler* [1997] Q.B. 911; [1997] 2 W.L.R. 843; [1996] 2 Cr.App.R. 561, D.C.

- Reg. v. Poole. *See* Reg. v. Mills
- Reg. v. Portsmouth City Council, *Ex parte* Coles (1996) 95 L.G.R. 494, C.A.
- Reg. v. Portsmouth City Council, *Ex parte* George Austin Ltd. *See* Reg. v. Portsmouth City Council, *Ex parte* Coles
- Reg. v. Powell (Anthony) [1997] 3 W.L.R. 959; [1997] 4 All E.R. 545, H.L.(E.)
- Reg. v. Powell (David). *See* Reg. v. Jackson (Andrew)
- Reg. v. Price. *See* Reg. v. Graham
- Reg. v. Rackham [1997] 2 Cr.App.R. 222, C.A.
- Reg. v. Radio Authority, *Ex parte* Bull [1997] 3 W.L.R. 1094; [1997] 2 All E.R. 561, C.A.
- Reg. v. Rasool [1997] 1 W.L.R. 1092; [1997] 4 All E.R. 439; [1997] 2 Cr.App.R. 190, C.A.; (pet. dis.) [1997] 1 W.L.R. 1102, H.L.(E.)
- Reg. v. Registered Homes Tribunal, *Ex parte* Hertfordshire County Council (1996) 95 L.G.R. 76
- Reg. v. Roberts (David) [1997] R.T.R. 462, C.A.
- Reg. v. Roberts (Stephen) [1997] 1 Cr.App.R. 217, C.A.
- Reg. v. Schot [1997] 2 Cr.App.R. 383, C.A.
- Reg. v. Secretary of State for Employment, *Ex parte* Seymour-Smith [1997] 1 W.L.R. 473; [1997] I.C.R. 371; [1997] 2 All E.R. 273, H.L.(E.)
- Reg. v. Secretary of State for Social Security, *Ex parte* B. *See* Reg. v. Secretary of State for Social Security, *Ex parte* Joint Council for the Welfare of Immigrants
- Reg. v. Secretary of State for Social Security, *Ex parte* Joint Council for the Welfare of Immigrants [1997] 1 W.L.R. 275; [1996] 4 All E.R. 385, C.A.
- Reg. v. Secretary of State for Social Security, *Ex parte* Sutton (Case C-66/95) [1997] I.C.R. 961, E.C.J.
- Reg. v. Secretary of State for the Environment, *Ex parte* Berkshire Royal County Council (1996) 95 L.G.R. 249, C.A.
- Reg. v. Secretary of State for the Environment, *Ex parte* Royal Society for the Protection of Birds (Port of Sheerness Ltd., Intervener) (Case C-44/95) [1997] Q.B. 206; [1997] 2 W.L.R. 123, E.C.J.
- Reg. v. Secretary of State for the Environment, *Ex parte* Sutton London Borough Council (1997) 95 L.G.R. 509, C.A.
- Reg. v. Secretary of State for the Home Department, *Ex parte* Canbolat [1997] 1 W.L.R. 1569, C.A.
- Reg. v. Secretary of State for the Home Department, *Ex parte* Fininvest S.p.A. [1997] 1 W.L.R. 743; [1997] 1 All E.R. 947; [1997] 1 Cr.App.R. 257, D.C.; (pet. dis.) [1997] 1 W.L.R. 764, H.L.(E.)
- Reg. v. Secretary of State for the Home Department, *Ex parte* Gilmore [1997] 2 Cr.App.R. 374, D.C.
- Reg. v. Secretary of State for the Home Department, *Ex parte* Hargreaves [1997] 1 W.L.R. 906; [1997] 1 All E.R. 397, C.A.
- Reg. v. Secretary of State for the Home Department, *Ex parte* Launder [1997] 1 W.L.R. 839; [1997] 3 All E.R. 961, H.L.(E.)
- Reg. v. Secretary of State for the Home Department, *Ex parte* Naughton [1997] 1 W.L.R. 118; [1997] 1 All E.R. 426; [1997] 1 Cr.App.R. 151, D.C.
- Reg. v. Secretary of State for the Home Department, *Ex parte* Obi [1997] 1 W.L.R. 1498
- Reg. v. Secretary of State for the Home Department, *Ex parte* Ogun. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Gilmore
- Reg. v. Secretary of State for the Home Department, *Ex parte* Pierson [1997] 3 W.L.R. 492; [1997] 3 All E.R. 577, H.L.(E.)
- Reg. v. Secretary of State for the Home Department, *Ex parte* Rahman [1997] 3 W.L.R. 990; [1996] 4 All E.R. 945; [1997] 3 W.L.R. 990; [1997] 1 All E.R. 796, C.A.
- Reg. v. Secretary of State for the Home Department, *Ex parte* Robinson [1997] 3 W.L.R. 1162; [1997] 4 All E.R. 210, C.A.
- Reg. v. Secretary of State for the Home Department, *Ex parte* Thompson. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Venables
- Reg. v. Secretary of State for the Home Department, *Ex parte* Venables [1997] 2 W.L.R. 67; [1997] 1 All E.R. 327, C.A.; [1997] 3 W.L.R. 23; [1997] 3 All E.R. 97, H.L.(E.)
- Reg. v. Sefton Metropolitan Borough Council, *Ex parte* Help the Aged [1997] 4 All E.R. 532, C.A.
- Reg. v. Sheridan. *See* Reg. v. Murray (Anthony)
- Reg. v. Shropshire County Council, *Ex parte* Jones (1996) 95 L.G.R. 391
- Reg. v. Smith (Brian) [1997] Q.B. 836; [1997] 2 W.L.R. 588; [1997] 1 Cr.App.R. 390, C.A.
- Reg. v. Smith (Christopher) [1997] 1 Cr.App.R. 14, C.A.
- Reg. v. South Ribble Magistrates, *Ex parte* Cochrane [1996] 2 Cr.App.R. 544, D.C.
- Reg. v. South Western Magistrates' Court, *Ex parte* Cofie [1997] 1 W.L.R. 885, D.C.
- Reg. v. Southwark Crown Court, *Ex parte* Bowles. *See* Reg. v. Guildford Crown Court, *Ex parte* Director of Public Prosecutions
- Reg. v. Staines [1997] 2 Cr.App.R. 426, C.A.
- Reg. v. Stockport Justices, *Ex parte* Conlon [1997] 2 All E.R. 204, D.C.
- Reg. v. Stratford Youth Court, *Ex parte* Conde [1997] 1 W.L.R. 113; [1997] 2 Cr.App.R. 1, D.C.
- Reg. v. Sunderland Justices, *Ex parte* Bate. *See* Reg. v. Derwentside Justices, *Ex parte* Swift
- Reg. v. Surrey Coroner, *Ex parte* Wright [1997] Q.B. 786; [1997] 2 W.L.R. 16; [1997] 1 All E.R. 823

- Reg. v. Townsend [1997] 2 Cr.App.R. 540, C.A.
 Reg. v. Uddin. *See* Reg. v. Choudhury
 Reg. v. W. (E.). *See* Reg. v. W. (G.)
 Reg. v. W. (G.) [1997] 1 Cr.App.R. 167, C.A.
 Reg. v. Wandsworth London Borough Council, *Ex parte* Mansoor [1997] Q.B. 953, C.A.
 Reg. v. Warner. *See* Reg. v. Hancock
 Reg. v. Westminster City Council, *Ex parte* Ermakov (1995) 95 L.G.R. 119, C.A.
 Reg. v. Wicks [1997] 2 W.L.R. 876; [1997] 2 All E.R. 801, H.L.(E.)
 Reg. v. Williams (Florence). *See* Reg. v. Dures
 Reg. v. Williams (Phillip). *See* Reg. v. Obellim
 Reg. v. Williams (Roy). *See* Reg. v. Jones (Brian)
 Reg. v. Wilson (Alan) [1997] Q.B. 47, C.A.
 Reg. v. Wilson (Rupert) [1997] 1 W.L.R. 1247; [1997] 1 All E.R. 119, C.A.
 Reg. v. Woollin [1997] 1 Cr.App.R. 97, C.A.
 Reg. v. Yorkshire Purchasing Organisation, *Ex parte* British Educational Suppliers' Association (1996) 95 L.G.R. 413
 Reid, *Ex parte*. *See* Reg. v. Governor of Brockhill Prison, *Ex parte* Evans
 Remilien v. Secretary of State for Social Security. *See* Chief Adjudication Officer v. Wolke
 Republic of India v. India Steamship Co. Ltd. (No. 2). *See* India (Republic of) v. Indian Steamship Co. Ltd. (No. 2)
 Revival Properties Ltd. v. City of Edinburgh Council. *See* Edinburgh Council (City of) v. Secretary of State for Scotland
 Rigby v. Samson (1997) T.C. Leaflet No. 3512
 River Gurara (Owners of cargo lately laden on board) v. Nigerian National Shipping Line Ltd. [1997] 3 W.L.R. 1128; [1997] 4 All E.R. 498, C.A.
 Riza, The. *See* Petroleum Shipping Ltd. v. Vatis (trading as Kronos Management)
 Robertson v. Banham & Co. (a firm) [1997] 1 W.L.R. 446; [1997] 1 All E.R. 79, C.A.
 Robinson, *Ex parte*. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Robinson
 Robinson (Dena) v. Director of Public Prosecutions (Note) [1997] R.T.R. 403, D.C.
 Rock Refrigeration Ltd. v. Jones [1997] I.C.R. 938; [1997] 1 All E.R. 1, C.A.
 Romain v. Scuba T.V. Ltd. [1997] Q.B. 887, C.A.
 Rosgill Group Ltd. v. Customs and Excise Comrs. [1997] 3 All E.R. 1012, C.A.
 Ross v. Bowbelle (Owners) [1997] 1 W.L.R. 1159; [1997] 2 Lloyd's Rep. 191, C.A.; (pet. dis.) [1997] 1 W.L.R. 1167C-D, H.L.(E.)
 Roux Waterside Inn Ltd., *Ex parte*. *See* Reg. v. Inland Revenue Comrs., *Ex parte* Roux Waterside Inn Ltd.
 Rowan Companies Inc. v. Lambert Eggink Offshore Transport Consultants VOF [1997] 2 Lloyd's Rep. 218
 Rowan Drilling U.K. Ltd. v. Lambert Eggink Offshore Transport Consultants VOF. *See* Rowan Companies Inc. v. Lambert Eggink Offshore Transport Consultants VOF
 Rowe v. Herman [1997] 1 W.L.R. 1390, C.A.
 Rowland v. Turp. *See* Performing Right Society Ltd. v. Rowland
 Rowlands, *Ex parte*. *See* Reg. v. Hereford Magistrates' Court, *Ex parte* Rowlands
 Royal Bank of Scotland Plc. v. Etridge [1997] 3 All E.R. 628, C.A.
 Royal Society for the Protection of Birds, *Ex parte*. *See* Reg. v. Secretary of State for the Environment, *Ex parte* Royal Society for the Protection of Birds (Port of Sheerness Ltd., Intervener) (Case C-44/95)
 Rubenstein v. McGloughlin [1997] I.C.R. 318, E.A.T.
 Russell v. Attorney-General for Saint Vincent and the Grenadines [1997] 1 W.L.R. 1134, P.C.
 Rutten v. Cross Medical Ltd. (Case C-383/95) [1997] I.C.R. 715, E.C.J.
 S. (A Minor) (Custody: Habitual Residence), *In re* [1997] 3 W.L.R. 597; [1997] 4 All E.R. 251, H.L.(E.)
 S. v. H. (Abduction: Access Rights) [1997] 3 W.L.R. 1086
 S. v. S. (1997) T.C. Leaflet No. 3518
 S. v. S. (Judgment in Chambers: Disclosure) [1997] 1 W.L.R. 1621
 S. v. S. (Matrimonial Proceedings: Appropriate Forum) [1997] 1 W.L.R. 1200
 S.-T. (formerly J.) v. J. [1997] 3 W.L.R. 1287, C.A.
 Safeway Stores Plc. v. Burrell [1997] I.C.R. 523, E.A.T.
 Sagheera, The. *See* Hellenic Mutual War Risks Association Ltd. v. Harrison
 St. Albans City and District Council v. International Computers Ltd. [1996] 4 All E.R. 481; 95 L.G.R. 592, C.A.
 St. Helens Metropolitan Borough Council v. West Lancashire District Council. *See* U.K. Waste Management Ltd. v. West Lancashire District Council
 Sampson v. Moon. *See* Perry v. Wong

- Sanwa Bank Ltd. v. Banque Bruxelles Lambert S.A. *See* Sumitomo Bank Ltd. v. Banque Bruxelles Lambert S.A.
- Sarker v. South Tees Acute Hospitals N.H.S. Trust [1997] I.C.R. 673, E.A.T.
- Sarrio S.A. v. Kuwait Investment Authority [1997] 1 Lloyd's Rep. 113, C.A.; [1997] 3 W.L.R. 1143, H.L.(E.)
- Sarsfield v. Dixons Group Plc. (1997) T.C. Leaflet No. 3507
- Saunders (A Bankrupt), *In re* [1997] Ch. 60
- Savage v. Chief Constable of Hampshire [1997] 1 W.L.R. 1061; [1997] 2 All E.R. 631, C.A.
- Schiffahrtsgesellschaft Detlev Von Appen G.m.b.H. v. Voest Alpine Intetrading G.m.b.H. [1997] 1 Lloyd's Rep. 179; [1997] 2 Lloyd's Rep. 279, C.A.
- Seaconsar Far East Ltd. v. Bank Markazi Jomhuri Islami Iran [1997] 2 Lloyd's Rep. 89
- Seals (L.D.) N.V. v. Mitsui Osk Lines Ltd. [1997] 1 Lloyd's Rep. 42
- Seifert v. Pensions Ombudsman [1997] 1 All E.R. 214
- Secretary of State for Employment v. Mann [1997] I.C.R. 209, C.A.; (pet. all.) [1997] I.C.R. 351, H.L.(E.)
- Secretary of State for Employment v. Wilson [1997] I.C.R. 408, E.A.T.
- Secretary of State for Scotland v. Revival Properties Ltd. *See* Edinburgh Council (City of) v. Secretary of State for Scotland
- Secretary of State for Social Security v. Fairey. *See* Cockburn v. Chief Adjudication Officer
- Secretary of State for Trade and Industry v. Ashcroft [1997] 3 W.L.R. 319; [1997] 3 All E.R. 86, C.A.
- Secretary of State for Trade and Industry v. Cook [1997] I.C.R. 288, E.A.T.
- Secretary of State for Trade and Industry v. Forde [1997] I.C.R. 231, E.A.T.
- Secretary of State for Trade and Industry v. Taylor [1997] 1 W.L.R. 407
- Semco Salvage and Marine Pte. Ltd. v. Lancer Navigation Co. Ltd. [1997] A.C. 455; [1997] 2 W.L.R. 298; [1997] 1 All E.R. 502; [1997] 1 Lloyd's Rep. 323, H.L.(E.)
- Senator Hanseatische Verwaltungsgesellschaft m.b.H., *In re* [1997] 1 W.L.R. 515; [1996] 4 All E.R. 933, C.A.
- Seymour-Smith, *Ex parte*. *See* Reg. v. Secretary of State for Employment, *Ex parte* Seymour-Smith
- Shelley, *Ex parte*. *See* Reg. v. Carrick District Council, *Ex parte* Shelley
- Sheppard v. McKnight. *See* McKnight v. Sheppard
- Shimizu (U.K.) Ltd. v. Westminster City Council [1997] 1 W.L.R. 168; [1997] 1 All E.R. 481, H.L.(E.)
- Siben, The. *See* Hughes v. Clewley
- Sidhu v. British Airways Plc. [1997] A.C. 430; [1997] 2 W.L.R. 26; [1997] 1 All E.R. 193; [1997] 2 Lloyd's Rep. 76, H.L.(E. & Sc.)
- Simpson v. The Queen [1997] A.C. 1, P.C.
- Sincerity S., The. *See* Tunstall v. District Judge Holloway
- Skanavi, Criminal proceedings against (Case C-193/94) [1997] R.T.R. 344, E.C.J.
- Slater v. Finning Ltd. [1997] A.C. 473, H.L.(Sc.)
- Smit International Singapore Pte. Ltd. v. Kurnia Dewi Shipping S.A. [1997] 1 Lloyd's Rep. 552
- Smith v. Cosworth Casting Processes Ltd. (Practice Note) [1997] 1 W.L.R. 1538; [1997] 4 All E.R. 840, C.A.
- Smith New Court Securities Ltd. v. Scrimgeour Vickers (Asset Management) Ltd. [1997] A.C. 254, H.L.(E.)
- Soden v. British & Commonwealth Holdings Plc. [1997] 2 W.L.R. 206; [1996] 3 All E.R. 951, C.A.; [1997] 3 W.L.R. 840; [1997] 4 All E.R. 353, H.L.(E.)
- Solicitors, *In re* A Firm of [1997] Ch. 1
- Sonicare Internaional Ltd. v. East Anglia Freight Terminal Ltd. [1997] 2 Lloyd's Rep. 48
- Source Ltd. v. T.U.V. Rheinland Holding A.G. [1997] 3 W.L.R. 365, C.A.
- Sparks v. Harland [1997] 1 W.L.R. 143
- Spectra International Plc. v. Hayesoak Ltd. [1997] 1 Lloyd's Rep. 153
- Spectros International Plc. v. Madden (1996) T.C. Leaflet No. 3503
- Star Sea, The. *See* Manifest Shipping & Co. Ltd. v. Uni-Polaris Insurance Co. Ltd.
- State Bank of India v. Sood [1997] Ch. 276; [1997] 2 W.L.R. 421; [1997] 1 All E.R. 169, C.A.
- Steele v. E.V.C. International N.V. (formerly European Vinyls Corpn. (Holdings) B.V.) (1996) T.C. Leaflet No. 3485, C.A.
- Stern v. Piper [1997] Q.B. 123, C.A.; (pet. all.) [1997] 1 W.L.R. 826, H.L.(E.)
- Stevenage Borough Council v. Wright (1996) 95 L.G.R. 404, D.C.
- Stocznia Gdanska S.A. v. Latvian Shipping Co. [1997] 2 Lloyd's Rep. 228
- Stoll v. High Wycombe General Comrs. (No. 2) (1994) 67 T.C. 490
- Stolt Sydness, The. *See* Mauritius Oil Refineries Ltd. v. Stolt-Nielsen Nederlands B.V.
- Subpœna Issued by the Comr. for Local Administration, *In re* A (1995) 96 L.G.R. 338
- Sumitomo Bank Ltd. v. Banque Bruxelles Lambert S.A. [1997] 1 Lloyd's Rep. 487
- Sun, The. *See* Petroleum Shipping Ltd. v. Vatis (trading as Kronos Management)
- Sutton, *Ex parte*. *See* Reg. v. Secretary of State for Social Security, *Ex parte* Sutton (Case C-66/95)

- Sutton London Borough Council, *Ex parte*. See Reg. v. Secretary of State for the Environment, *Ex parte* Sutton London Borough Council
- Süzen v. Zehnacker Gebäudereinigung G.m.b.H. Krankenhausservice (Case C-13/95) [1997] I.C.R. 662, E.C.J.
- Swain v. McCaul [1997] R.T.R. 102, D.C.
- Swan v. Vehicle Inspectorate [1997] R.T.R. 187, D.C.
- Swift, *Ex parte*. See Reg. v. Derwentside Justices, *Ex parte* Swift
- Swinney v. Chief Constable of Northumbria Police Force [1997] Q.B. 464, C.A.
- Sze To Chun Keung v. Kung Kwok Wai David [1997] 1 W.L.R. 1232, P.C.
- T. (A Minor) (Wardship: Medical Treatment), *In re* [1997] 1 W.L.R. 242; [1997] 1 All E.R. 906, C.A.
- T. (A Minor) v. Director of Public Prosecutions. See L. (A Minor) v. Director of Public Prosecutions
- T. (Minors) (Termination of Contact: Discharge of Order), *In re* [1997] 1 W.L.R. 393; [1997] 1 All E.R. 65, C.A.
- Tan Te Lam v. Superintendent of Tai A Chau Detention Centre [1997] A.C. 97, P.C.
- Tandy, *Ex parte*. See Reg. v. East Sussex County Council, *Ex parte* Tandy
- Tate & Lyle Industries Ltd. v. Cia Usina Bulhoes [1997] 1 Lloyd's Rep. 355, Clarke J. and C.A.
- Taylor Clark International Ltd. v. Lewis (1997) T.C. Leaflet No. 3514
- Tesco Plc. v. Crimmin (1997) T.C. Leaflet No. 3527
- Tekem Sea Abyss Ltd. v. Bradston Ltd. See Glatzer and Warrick Shipping Ltd. v. Bradston Ltd.
- Templeton v. Jacobs (1996) T.C. Leaflet No. 3488
- Tharros Shipping Co. Ltd. v. Bias Shipping Ltd. (No. 3) [1997] 1 Lloyd's Rep. 246, C.A.
- Thomas v. Brighton Health Authority. See Wells v. Wells
- Thomas v. Comr. of Police of the Metropolis [1997] Q.B. 813; [1997] 2 W.L.R. 593; [1997] 1 All E.R. 747, C.A.
- Thomas Cook Group Ltd. v. Air Malta Co. Ltd. (trading as Air Malta) [1997] 2 Lloyd's Rep. 399
- Thompson, *Ex parte*. See Reg. v. Comr. of Police of the Metropolis, *Ex parte* Thompson; Reg. v. Secretary of State for the Home Department, *Ex parte* Venables
- Thompson v. Comr. of Police of the Metropolis [1997] 3 W.L.R. 403; [1997] 2 All E.R. 762, C.A.
- Thongjai v. The Queen [1997] 3 W.L.R. 667, P.C.
- Toepfer International G.m.b.H. v. Société Cargill France [1997] 2 Lloyd's Rep. 98
- Total Graphics Ltd. v. AGF Insurance Ltd. [1997] 1 Lloyd's Rep. 599
- Tracey v. Crosville Wales Ltd. [1997] 3 W.L.R. 800; [1997] I.C.R. 862; [1997] 4 All E.R. 449, H.L.(E.)
- Trade Star Line Corpn. v. Mitsui & Co. Ltd. [1996] 2 Lloyd's Rep. 449, Tuckey J. and C.A.
- Trasimex Holding S.A. v. Addax B.V. [1997] 1 Lloyd's Rep. 610
- Tsangacos v. Amalgamated Chemicals Ltd. [1997] I.C.R. 154, E.A.T.
- Tsikata v. Newspaper Publishing Plc. [1997] 1 All E.R. 655, C.A.
- Tudor Jones II v. Crowley Colosso Ltd. [1996] 2 Lloyd's Rep. 619
- Tunstall v. District Judge Holloway [1996] 2 Lloyd's Rep. 503
- Turkiye Is Bankasi AS v. Bank of China [1996] 2 Lloyd's Rep. 611
- Turner v. Stevenage Borough Council [1997] 3 W.L.R. 309; [1997] 2 Lloyd's Rep. 129, C.A.
- U. v. W. (Attorney-General Intervening) [1997] 3 W.L.R. 739
- U.K. Waste Management Ltd. v. West Lancashire District Council [1997] R.T.R. 201; 95 L.G.R. 484
- Uchendu, *Ex parte*. See Reg. v. Inspector of Taxes, King's Cross, *Ex parte* Uchendu
- Uecker v. Land Nordrhein-Westfalen (Case C-64/96) [1997] I.C.R. 1025, E.C.J.
- Ulster Bank Ltd., *Ex parte*. See Reg. v. Inland Revenue Comrs., *Ex parte* Ulster Bank Ltd.
- Union Bank of Finland Ltd. v. Lelakis [1997] 1 W.L.R. 590; [1996] 4 All E.R. 305, C.A.
- Union de Remorquage et de Sauvetage S.A. v. Lake Avery Inc. [1997] 1 Lloyd's Rep. 540
- Union Eagle Ltd. v. Golden Achievement Ltd. [1997] A.C. 514; [1997] 2 W.L.R. 341; [1997] 2 All E.R. 215, P.C.
- United Bank of Kuwait Plc. v. Sahib [1997] Ch. 107, Chadwick J. and C.A.
- United Kingdom of Great Britain and Northern Ireland v. Council of the European Union (supported by Kingdom of Spain, Commission of the European Communities and Kingdom of Belgium, Interveners) (Case C-84/94) [1997] I.C.R. 443, E.C.J.
- Urban Manor Ltd. v. Sadiq [1997] 1 W.L.R. 1016, C.A.
- Van den Boogaard v. Laumen (Case C-220/95) [1997] Q.B. 759; [1997] 3 W.L.R. 284, E.C.J.
- Velos Group Ltd. v. Harbour Insurance Services Ltd. [1997] 2 Lloyd's Rep. 461
- Venables, *Ex parte*. See Reg. v. Secretary of State for the Home Department, *Ex parte* Venables
- Vernon v. Bosley (No. 1) [1997] 1 All E.R. 577; [1997] R.T.R. 1, C.A.
- Vernon v. Bosley (No. 2) [1997] 3 W.L.R. 683; [1997] 1 All E.R. 614; [1997] R.T.R. 275, C.A.; (pet. dis.) [1997] 3 W.L.R. 723G-H, H.L.(E.)
- Victory, The. See Antares II, The

- Viho Europe B.V. v. Commission of the European Communities (Case C-73/95P) [1997] I.C.R. 130, E.C.J.
- Vodafone Cellular Ltd. v. Shaw (1997) T.C. Leaflet No. 3515, C.A.
- Voltaz, The. *See* Evergos Naftiki Eteria v. Cargill Plc.
- W., G.H. and C.H. (Minors) v. Director of Public Prosecutions. *See* L. (A Minor) v. Director of Public Prosecutions
- W. (A Minor) (Adoption: Homosexual Adopter), *In re* [1997] 3 W.L.R. 768; [1997] 3 All E.R. 620
- Wailes v. Stapleton Construction and Commercial Services Ltd. [1997] 2 Lloyd's Rep. 112
- Walker v. Centaur Clothes Group Ltd. (1996) T.C. Leaflet No. 3501
- Wallace v. The Queen [1997] 1 Cr.App.R. 396, P.C.
- Wallace Smith Trust Co. Ltd. (In Liquidation) v. Deloitte Haskins & Sells (a firm) [1997] 1 W.L.R. 257; [1996] 4 All E.R. 403, C.A.
- Walters, *Ex parte*. *See* Reg. v. Grimsby and Cleethorpes Justices, *Ex parte* Walters
- Wandsworth London Borough Council v. Rosenthal (1996) 95 L.G.R. 84, D.C.
- Warren v. Warren [1997] Q.B. 488, C.A.
- Wase v. Bourke (1995) 68 T.C. 109
- Waters v. Comr. of Police of the Metropolis [1997] I.C.R. 1073, C.A.
- Watton v. Tippet (1997) T.C. Leaflet No. 3525, C.A.
- Watts v. Times Newspapers Ltd. [1997] Q.B. 650, C.A.
- Wells v. Wells [1997] 1 W.L.R. 652; [1997] 1 All E.R. 673, C.A.; (pet. all.) [1997] 1 W.L.R. 870, H.L.(E.)
- Welton v. North Cornwall District Council [1997] 1 W.L.R. 570, C.A.
- Western v. Director of Public Prosecutions [1997] 1 Cr.App.R. 474, D.C.
- Westminster City Council v. Haywood [1997] 3 W.L.R. 641; [1997] 2 All E.R. 84, C.A.
- Wharf Properties Ltd. v. Comr. of Inland Revenue [1997] A.C. 505; [1997] 2 W.L.R. 334, P.C.
- Whitehouse v. Ellam (1995) 68 T.C. 377
- Whittles v. Uniholdings Ltd. (1993) 68 T.C. 528, Jonathan Parker J.
- Whittles v. Uniholdings Ltd. (No. 2) 68 T.C. 528, Sir John Vinelott and C.A.
- Wilander v. Tobin [1997] 1 Lloyd's Rep. 195; [1997] 2 Lloyd's Rep. 293, C.A.
- Wild v. Cannavan (1996) T.C. Leaflet No. 3481; (1997) T.C. Leaflet No. 3526, C.A.
- Williams (Kervin) v. The Queen [1997] A.C. 624; [1997] 2 W.L.R. 910, P.C.
- Williams (Noel) v. The Queen [1997] 1 W.L.R. 548, P.C.
- Willson v. Hooker (1995) 67 T.C. 585
- Wokingham District Council, *Ex parte*. *See* Reg. v. Berkshire County Council, *Ex parte* Wokingham District Council
- Wraith v. Wraith [1997] 1 W.L.R. 1540; [1997] 2 All E.R. 526, C.A.
- Wright, *Ex parte*. *See* Reg. v. Surrey Coroner, *Ex parte* Wright
- Wu Koon Tai v. Wu Yau Loi [1997] A.C. 179, P.C.
- Y. (Mental Patient: Bone Marrow Donation), *In re* [1997] Fam. 110; [1997] 2 W.L.R. 556
- Yorkshire Water Services Ltd. v. Sun Alliance & London Insurance Plc. [1997] 2 Lloyd's Rep. 21, C.A.
- Young v. Pearce (1996) T.C. Leaflet No. 3482
- Young v. Scrutton. *See* Young v. Pearce
- Yukong Line Ltd. of Korea v. Rendsburg Investments Corp'n. of Liberia [1996] 2 Lloyd's Rep. 604
- Z (A Minor) (Identification: Restrictions on Publication), *In re* [1997] Fam. 1, C.A.
- ZYX Music G.m.b.H. v. King [1997] 2 All E.R. 129, C.A.
- Zielinski v. Pickering (1993) 68 T.C. 279, Vinelott J. and C.A.



SUBJECT MATTER

ACCORD AND SATISFACTION

Acceptance of lesser sum

Cheque

Defendant sending cheque to plaintiff with letter stating it to be in full settlement—Defendant admitting that cheque amount due but asserting remainder of claim paid—Plaintiff cashing cheque for part of debt but giving notice of continuing action—No consideration given to plaintiff in addition to cheque—Whether letter and court form constituting offer of settlement or admission of liability—Whether plaintiff's cashing of cheque constituting accord and satisfaction of claim

Ferguson v. Davies, C.A. [1997] 1 All E.R. 315

ADMIRALTY

Arrest of ship

Wrongful arrest

Allegations of wrongful arrest of vessel—Whether defendants able to establish mala fides or crassa negligentia—Whether entitled to damages for wrongful arrest—Whether defendants' recoverable costs to be reduced by costs of bunkers consumed in refrigerating cargo

Centro Latino Americano de Comercio Exterior S.A. v. Owners of the Ship Kommunar (No. 3), Colman J. [1997] 1 Lloyd's Rep. 22

Jurisdiction

Arrest of ship

Plaintiffs claiming reimbursement of moneys paid to suppliers of goods to vessels—State enterprise privatised under Russian Federation legislation—Whether defendants same legal person as state enterprise—Whether state enterprise beneficial owner of vessels at time cause of action arising—Whether proceedings prohibited by reason of similar proceedings in rem in South Africa—Whether arrest to be set aside—Supreme Court Act 1981, s. 21(4)(8)

Centro Latino Americano de Comercio Exterior S.A. v. Owners of the Ship Kommunar (No. 2), Colman J. [1997] 1 Lloyd's Rep. 8

Limitation fund

Collision between plaintiffs' and defendants' vessels near mouth of Seine—Action brought in France—Plaintiffs purporting to constitute limitation fund in England—Whether English action to be stayed—Civil Jurisdiction and Judgments Act 1982, Sch. 1, arts. 21, 22

The Happy Fellow, Longmore J. [1997] 1 Lloyd's Rep. 130

Mortgage

Mortgagee's power of sale

Loan secured by mortgage of ship—Non-financial default by mortgagor—No money due under loan agreement—Mortgagees not accelerating repayment—Whether mortgagees' power of sale exercisable—Whether mortgagees entitled to arrest ship—Hong Kong

The Maule, P.C. [1997] 1 W.L.R. 528

Practice

Joinder of parties

Contract for towage of jack-up rig entered into between plaintiffs and VOF (Dutch partnership)—Rig grounded outside Europoort—Plaintiffs claiming against VOF for alleged breach of contract—VOF dissolved—Whether partners in VOF to be joined in action—Whether action time-barred against partners

Rowan Companies Inc. v. Lambert Eggink Offshore Transport Consultants VOF, Clarke J. [1997] 2 Lloyd's Rep. 218

Writ

Application to set aside—Plaintiffs paying for goods and materials supplied to named ships and claiming reimbursement—Whether plaintiffs' claims claims in respect of goods or materials supplied to those ships for operation or maintenance—Whether court having jurisdiction—Supreme Court Act 1981, ss. 20(2)(m)(p), 21(4)

Centro Latino Americano de Comercio Exterior S.A. v. Owners of the Ship Kommunar, Clarke J. [1997] 1 Lloyd's Rep. 1

ADMIRALTY—continued**Salvage***Jurisdiction*

Plaintiffs alleging salvage services rendered pursuant to LOF 95—Whether proceedings ancillary to arbitration—Defendant bringing proceedings in Holland—Whether court to decline—Whether action to be stayed on ground of *lis alibi pendens* or *forum non conveniens*—Civil Jurisdiction and Judgments Act 1982, Sch. 1, arts. 14, 21, 22

Union de Remorquage et de Sauvetage S.A. v. Lake Avery Inc.,
Clarke J. [1997] 1 Lloyd's Rep. 540

Remuneration

Salvage services rendered to vessel—Salvor's claim for remuneration and special compensation referred to arbitrator—Whether "fair rate" including remuneration—Whether salvors entitled to special compensation during whole of salvage operation—Merchant Shipping Act 1995, s. 224(1)(2), Sch. 11, art. 14

Semco Salvage and Marine Pte. Ltd. v. Lancer Navigation Co. Ltd.,
H.L.(E.) [1997] A.C. 455; [1997] 2 W.L.R. 298

ADOPTION**Adoption order***Non-patril*

Non-patril infant entering United Kingdom with limited leave to remain—United Kingdom citizens seeking to adopt infant pending appeal against refusal of application to extend entry visa—Whether jurisdiction to make adoption order—Adoption Act 1976, s. 6

In re H. (A Minor) (Adoption: Non-Patril), C.A. [1997] 1 W.L.R. 791

Consent of parent*Revocation of order dispensing with*

Child in care freed for adoption—No adopters found within 12-month period—Mother seeking revocation of order—Whether jurisdiction to make revocation conditional on local authority obtaining fresh care order—Adoption Act 1976, s. 20 (as amended by Children Act 1989, s. 88, Sch. 10, para. 8(1)(2))

In re G. (A Minor) (Adoption: Freeing Order),
H.L.(E.) [1997] A.C. 613; [1997] 2 W.L.R. 747

Disclosure of information*Application for*

Natural mother wishing to trace adopted child—Court's discretion to order disclosure of adoption details—Whether exceptional circumstances justifying disclosure—Adoption Act 1976, ss. 50(5), 51

In re L. (Adoption: Disclosure of Information), C.A. [1997] 2 W.L.R. 739

Freeing child for adoption*Adoption by homosexual*

Local authority applying to free child for adoption by woman living in homosexual relationship—Mother withholding consent—Whether jurisdiction to make adoption order in favour of single person in homosexual relationship—Whether contrary to public policy—Adoption Act 1976, ss. 6, 15(1)(a)

In re W. (A Minor) (Adoption: Homosexual Adopter), Singer J. [1997] 3 W.L.R. 768

AGENCY**Authority***Warranty of authority*

Solicitor mistakenly purporting to act for joint vendors in sale of land—Solicitor's warranty of authority given to purchaser's solicitor—Purchaser's solicitor acting for building society lending purchase moneys—Whether warranty given to building society

Penn v. Bristol & West Building Society, C.A. [1997] 1 W.L.R. 1356

Forwarding agents*Custom or trade usage*

Freight forwarders arranging for shipment of goods—Non-payment of freight—Whether custom or trade usage that freight forwarder booking cargo space personally liable for freight—Whether defendants giving reasonable notice of booking space as agents only—Whether defendants acting as principals

Cory Brothers Shipping Ltd. v. Baldan Ltd.,
Judge Diamond Q.C. [1997] 2 Lloyd's Rep. 58

AGENCY—continued**Termination***Compensation*

Plaintiff contracting to act as agent for defendant company for four years—Plaintiff alleging that defendant's closure of trading activities constituting repudiatory breach of agreement—Plaintiff claiming compensation for loss suffered resulting from termination—Whether plaintiff entitled to compensation—Whether proper performance of agreement allowing defendant to minimise trading activities—Commercial Agents (Council Directive) Regulations 1993, reg. 17(6)(7)

Page v. Combined Shipping and Trading Co. Ltd., C.A. [1997] 3 All E.R. 656

AIRCRAFT**Carriage by air***Jurisdiction see INJUNCTION: Jurisdiction to grant: Restraint of foreign proceedings*

Aeroflot flight crashing killing passengers and crew—Dependants and relatives bringing action in France and England—Whether English proceedings to be stayed—Whether defendants entitled to anti-suit injunction restraining plaintiffs pursuing French proceedings—Whether defendants entitled to declaratory judgment that claim governed by Warsaw Convention—Carriage by Air Act 1961, Sch. 1, art. 28—Civil Jurisdiction and Judgments Act 1982, Sch. 1, arts. 21, 22, 57

Deville v. Aeroflot Russian International Airlines,
Geoffrey Brice Q.C. [1997] 2 Lloyd's Rep. 67

Limitation of liability

Banknotes stolen from room within import cargo warehouse at Malta airport—Whether carriers liable for loss—Whether carriers guilty of breaches of contract or breaches of duty constituting wilful misconduct—Whether carriers entitled to limit liability—Carriage by Air Acts (Application of Provisions) Order 1967, Sch. 2, arts. 18(1), 20(1), 22(2), 25

Thomas Cook Group Ltd. v. Air Malta Co. Ltd. (trading as Air Malta),
Cresswell J. [1977] 2 Lloyd's Rep. 399

Carriers permitting aircraft to land in war zone—Passengers detained for three weeks—Passengers subsequently claiming damages at common law—Whether common law remedy excluded—Carriage by Air Act 1961, Sch. 1, arts. 17, 18, 19, 29

Sidhu v. British Airways Plc., H.L.(E. & Sc.) [1997] A.C. 430; [1997] 2 W.L.R. 26

Contract to supply helicopters for police duties—Carrier supplying pilots and equipment—Pilots subject to direction of police officers but solely responsible for flying helicopters—Police officer killed in helicopter crash—Whether carrier's liability limited—Carriage by Air Acts (Application of Provisions) Order 1967, Sch. 1, arts. 17, 22, 24(2)

Herd v. Clyde Helicopters Ltd., H.L.(Sc.) [1997] A.C. 534; [1997] 2 W.L.R. 380

ANTIGUA AND BARBUDA**Employment***Unfair dismissal*

Reason for dismissal—Employer failing on request to furnish written statement of precise reason for termination of employment—Proceedings for unfair dismissal—Whether employer estopped from introducing testimony of employees' alleged misconduct—Antigua and Barbuda Labour Code, s. C10(1)(3)(4)—Industrial Court Act 1976, ss. 9(1), 10(3), 19(1)

Berridge v. Benjies Business Centre, P.C. [1997] 1 W.L.R. 53; [1997] I.C.R. 58

ARBITRATION**Arbitrator***Appointment*

Collision between plaintiffs' vessel and another—P. & I. club insuring plaintiffs' vessel for one fourth of collision liability—Running down clause—Claim against club—Whether parties agreeing to arbitrate—Allegations of inordinate and inexcusable delay in prosecuting arbitration—Whether application to appoint arbitrator to be granted

Frota Oceanica Brasileira S.A. v. Steamship Mutual Underwriting Association (Bermuda) Ltd., C.A. [1996] 2 Lloyd's Rep. 461

Agreement*Construction*

Clause providing for appointment of person to whom dispute to be referred—Clause headed "Arbitration"—Clause describing role of appointees as that of expert not arbiter—Effect of heading on construction of clause—Whether appointee expert or arbitrator

Cott UK Ltd. v. F. E. Barber Ltd., Judge Hegarty Q.C. [1997] 3 All E.R. 540

ARBITRATION—continued**Agreement—continued****Misconduct**

- Application to remove arbitrator—Lengthy correspondence and preliminary proceedings—
- Arbitrator proposing interim payment of fees and expenses—Payment by one party only—
- Subsequent return of payment—Whether misconduct—Whether arbitrator to be removed—
- Arbitration Act 1950, s. 23

Turner v. Stevenage Borough Council, C.A. [1997] 3 W.L.R. 309

Procedural unfairness

- Dispute between parties referred to arbitration—Application for discovery refused—Whether tribunal misunderstanding application for discovery—Umpire's participation in discovery issue—Whether arbitrators and umpire to be removed—Whether decision of tribunal to be set aside

Fletamentos Maritimos S.A. v. Effjohn International B.V. (No. 2),
Morison J. [1997] 1 Lloyd's Rep. 295
C.A. [1997] 2 Lloyd's Rep. 302

Award**Enforcement**

- Dispute under charterparty—Claim under letters of undertaking given by first defendants—
- Proceedings brought in Norway by second defendants to enforce two U.S. arbitration awards—Whether claim under letters of undertaking so closely related to arbitration as to be ancillary to it—Whether claim excluded from operation of Lugano Convention—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 1(4)

Lexmar Corpn. v. Nordisk Skibsrederforening, Colman J. [1997] 1 Lloyd's Rep. 289

- Plaintiff obtaining arbitration award in France enforceable as judgment by French court—
- Judgment registered in England—Whether judgment on award excluded from provisions of Brussels Convention—Whether registration to be set aside—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 1(4)

Arab Business Consortium International Finance and Investment Co. v. Banque Franco-Tunisienne, C.A. [1997] 1 Lloyd's Rep. 531

Motion to remit

- Parties disagreeing as to terms of contract—Dispute referred to arbitration—Arbitrators making interim award in favour of claimants—Respondent's alleged misunderstanding with arbitrators—Whether award to be remitted

Naporano Iron & Metal Co. v. Sivas Iron & Steelworks Inc.,
Cresswell J. [1997] 2 Lloyd's Rep. 359

Practice**Arbitration applications**

- New procedures—R.S.C., Ord. 73

Practice Note (Arbitration: New Procedure), Q.B.D. [1997] 1 W.L.R. 391

Stay of judicial proceedings**Arbitration agreement**

- Building contract containing arbitration clause—Bankruptcy of builder—Trustee commencing action for breach of contract—Trustee claiming financial inability to arbitrate caused by defendants' breach of contract—Whether proceedings to be stayed—Arbitration Act 1950, s. 4

Trustee of the Property of Andrews v. Brock Builders (Kessingland) Ltd.,
C.A. [1997] Q.B. 674; [1997] 3 W.L.R. 124

- Claim for demurrage—Charterers not admitting claim—Disputes agreed to be referred to arbitration—Shipowners asserting no defence to claim—Whether "dispute" between parties—Whether action to be stayed—Arbitration Act 1996, s. 9(1)(4)

Halki Shipping Corpn. v. Sopex Oils Ltd., Clarke J. [1997] 1 W.L.R. 1268

ARREST**Arrest without warrant****Validity**

- Police officers briefed on anti-terrorist operation—Constable arresting plaintiff on basis of information then received—Whether constable having reasonable grounds for suspicion so as to justify arrest—Whether information received at briefing sufficient grounds for suspicion—Prevention of Terrorism (Temporary Provisions) Act 1984, s. 12(1)(b)

O'Hara v. Chief Constable of the Royal Ulster Constabulary,
H.L.(N.I.) [1997] A.C. 286; [1997] 2 W.L.R. 1

BAHAMAS, THE**Crime***Homicide*

Murder—Provocation—Statutory provisions allowing defence of provocation in limited circumstances—New provision providing additional defence of provocation—Whether new provision to prevail—Whether burden of proving provocation on defendant—Homicide (Special Defences) Act 1959, s. 4—Penal Code, ss. 320(1), 325

Culmer v. The Queen, P.C. [1997] 1 W.L.R. 1296

BAILMENT**Sub-bailment***Road Haulage Association's terms*

Goods stolen from defendants' lorry—No contract between plaintiffs and defendants—Whether defendants able to rely on R.H.A. conditions against plaintiffs—Whether defendants entitled to limit liability—Correct approach to limitation

Spectra International Plc. v. Hayesoak Ltd. (DR Warehousing Ltd., Third Party), Judge Hallgarten Q.C. [1997] 1 Lloyd's Rep. 153

BANKING**Duty to customer***Confidentiality*

Information received during investigation on behalf of Bank of England—Whether disclosure lawful—Banking Act 1987, ss. 41(1), 82, 85(1)(d)(f)

Bank of Credit and Commerce International (Overseas) Ltd. v. Price Waterhouse (No. 2), Laddie J. [1997] 3 W.L.R. 849

Guarantee*Indemnity*

Guarantee and counter-indemnity issued for supply of plant to Kuwait—Iraq invading Kuwait and contract terminated—Bank claiming under counter-indemnity—Whether bank entitled to call for deposit, to raise rate of commission, to charge interest on unpaid deposit—Whether bank entitled to block credit balance funds

Mitsubishi Heavy Industries Ltd. v. Gulf Bank K.S.C., C.A. [1997] 1 Lloyd's Rep. 343

Performance bond

Buyers alleging breach of contract—Buyers suffering no damages but claiming under performance bond—Whether moneys paid under bond to buyers recoverable by sellers

Cargill International S.A. Antigua Geneva Branch v. Bangladesh Sugar & Food Industries Corpn., Morison J. [1996] 2 Lloyd's Rep. 524

Counter-guarantees provided to back performance bonds to secure obligations under building contracts—Demands made under performance bonds—Whether demands fraudulent—Whether plaintiffs bound to pay under performance guarantee—Whether counter-guarantee able to be enforced

Turkiye Is Bankasi AS v. Bank of China, Waller J. [1996] 2 Lloyd's Rep. 611

Letter of credit*Rejection of documents*

Letter of credit issued to cover cotton to be shipped and sold—Defendants failing to take up documents—Whether plaintiffs providing defendants with statement that documents presented within time limit—Whether weight certificate complying with terms of credit—Whether defendants justified in refusing documents—Uniform Customs and Practice for Documentary Credits (1993 rev.) (U.C.P. 500), arts. 14, 44

Bayerische Vereinsbank Aktiengesellschaft v. National Bank of Pakistan, Mance J. [1997] 1 Lloyd's Rep. 59

Plaintiffs making two presentations under letter of credit issued by defendants bank—Whether documents rejected in accordance with UCP 400—Whether oral rejection valid—Whether plaintiffs entitled to claim interest—Uniform Customs and Practice for Documentary Credits (400), art. 16

Seaconsar Far East Ltd. v. Bank Markazi Jomhuri Islami Iran,

Tuckey J. [1997] 2 Lloyd's Rep. 89

BANKRUPTCY**Jurisdiction***Carrying on business*

Whether debtor carrying on business in England and Wales within three years before presentation of petition—Assessments, unappealed, for earlier years in respect of property dealing—Whether debtor's denial of trading within relevant period admissible and sufficient—Insolvency Act 1986, s. 265—Insolvency Rules 1986, r. 6.25

A Debtor v. Inland Revenue Comrs., Judge Colyer Q.C. (1994) 68 T.C. 157

BANKRUPTCY—continued**Petition***Creditor's petition*

Petitioner seeking leave to withdraw petition—Change of carriage of petition—Insolvency Rules, 1986, rr. 6.31, 6.32 *In re Purvis*, Chadwick J. [1997] 3 All E.R. 663

Property passing to trustee*Insurance policy*

Pension policy effected by bankrupt before bankruptcy becoming payable after discharge—Whether benefits of policy vesting in trustee or payable to bankrupt as after-acquired property—Whether annuity payable under policy “income of the bankrupt”—Insolvency Act 1986, ss. 306, 310(7) *In re Landau (A Bankrupt)*, Ferris J. [1997] 3 W.L.R. 225

Royalties

Royalties payable to bankrupt after commencement of bankruptcy in respect of pre-bankruptcy works—Whether right to distributions vesting in trustee—Whether right to distributions mere expectancy—Insolvency Act 1986, s. 306

Performing Right Society Ltd. v. Rowland, Robert Walker J. [1997] 3 All E.R. 336

Voluntary arrangement*Approval by creditors*

Insolvent debtor entering into voluntary arrangement with creditors—Solvent co-debtors not parties—Whether co-debtors released—Insolvency Act 1986, s. 260(2)(b)

Johnson v. Davies, Jacob J. [1997] 1 W.L.R. 1511

BARRISTER**Conduct of case***Criticism as ground of appeal*

Appeals involving criticism of previous counsel—Procedure to be adopted in criminal cases *Reg. v. Doherty*, C.A. [1997] 2 Cr.App.R. 218

Duty to court*Disclosure*

Litigant's duty not to mislead court—Duty of counsel to advise client

Vernon v. Bosley (No. 2), C.A. [1997] 3 W.L.R. 683

Negligence*Failure to include alternative claim*

Piper Alpha rig disaster—Plaintiff alleging serious psychiatric harm causing him loss and damage—Claim against operators of rig failing—Whether legal representatives negligent in not including alternative claim for breach of statutory duty—Whether action to be struck out *McFarlane v. Wilkinson*, C.A. [1997] 2 Lloyd's Rep. 259

BROADCASTING**Radio Authority***Control of advertisements*

Advertising by human rights organisation—Whether body whose objects mainly of “political nature”—Whether permission to advertise to be refused—Broadcasting Act 1990, s. 92(2)(a)(i) *Reg. v. Radio Authority, Ex parte Bull*, C.A. [1997] 3 W.L.R. 1094

CARRIAGE BY LAND**International carriage of goods by road***Limitation of liability*

Carriage of consignment of goods from Alicante to London—Consignment stolen—Whether plaintiffs proving wilful misconduct on part of carriers' driver in allowing vehicle to be diverted—Whether defendants' liability limited or fixed by CMR terms—Whether carriers' terms and conditions applicable to contract of carriage—Whether carriers entitled to limit liability despite failure to insure goods—Carriage of Goods by Road Act 1965, Sch., arts. 23, 27, 29

Laceys Footwear (Wholesale) Ltd. v. Bowler International Freight Ltd., C.A. [1997] 2 Lloyd's Rep. 369

CHARITY**Charitable company***Liquidation*

Company in insolvent liquidation but not dissolved—Gifts in wills made before company liquidated—Whether gifts for charitable purposes or to company beneficially—Whether available for distribution to creditors

In re ARMS (Multiple Sclerosis Research) Ltd., Neuberger J. [1997] 1 W.L.R. 877

CHARITY—continued**Charitable purposes***Training and Enterprise Council*

Promotion of vocational education and training—Promotion of trade, commerce and enterprise—Educational objects charitable—Whether extension of other objects to providing private benefits too remote from benefit to community to be charitable—Whether objects wholly and exclusively charitable—Income and Corporation Taxes Act 1988, ss. 9(4), 505

Inland Revenue Comrs. v. Oldham Training and Enterprise Council,
Lightman J. (1996) T.C. Leaflet No. 3495

CHILDREN**Care proceedings**

Evidence see ESTOPPEL: **Per rem judicatum**

Jurisdiction

Emergency protection and interim care orders—Child present in England but habitually resident in Scotland—Child's parents returning to Scotland—Care plan for child to live with grandparents in Scotland—Whether English court having jurisdiction to make orders—Whether English courts to retain jurisdiction—Children Act 1989, Pts. IV, V

In re M. (A Minor) (Care Order: Jurisdiction),
Hale J. [1997] Fam. 67; [1997] 2 W.L.R. 314

Child abuse*Suspicion of abuse*

Investigation of allegations of sexual abuse—Use of video recorded interviews—Admissibility of expert evidence

In re N. (A Minor) (Sexual Abuse: Video Evidence), C.A. [1997] 1 W.L.R. 153

Child in care

Local authority's duty of care see NEGLIGENCE

Parental contact

Local authority care plan for adoption with no parental contact—Order granting local authority leave to terminate parental contact—Mother applying to discharge order on ground of change in care plan—Whether order to be discharged—Children Act 1989, ss. 34(4)(9), 91(17)

In re T. (Minors) (Termination of Contact: Discharge of Order),
C.A. [1997] 1 W.L.R. 393

Controlled community home*Proceedings for possession of other properties*

Leasehold premises formerly used as approved school—Management transferred to local authority to run community home for children in care—Premises including residential properties occupied by local authority employees—Occupiers having exclusive occupation in return for payment of rent to local authority—Right of local authority to create subtenancies—Whether occupiers entitled to protection from eviction—Children and Young Persons Act 1969, s. 41

Redbank Schools Ltd. v. Abdullahzadeh, C.A. (1995) 95 L.G.R. 176

Court's inherent jurisdiction*Medical treatment*

Child born with life-threatening liver defect—Transplant surgery required to save child's life—Unanimous medical opinion in favour of treatment—Parents refusing consent—Reasonableness of refusal—Whether to be determined solely by clinical assessment of likely success of treatment—Whether future treatment to be left to parents

In re T. (A Minor) (Wardship: Medical Treatment), C.A. [1997] 1 W.L.R. 242

Custody rights*Breach*

Italian court granting custody to mother with access to father—Mother taking child to England—Italian court granting declaration recognising father's access rights—Whether "rights of custody"—Whether wrongful removal or retention of child—Child Abduction and Custody Act 1985, Sch. 1, arts. 3, 5

S. v. H. (Abduction: Access Rights), Hale J. [1997] 3 W.L.R. 1086

CHILDREN—continued**Custody rights—continued****Enforcement**

Illegitimate child—Mother habitually resident in England dying in England—Removal of child to Ireland by relatives—Irish court granting guardianship and care and control to aunt—English High Court granting interim care and control to father and ordering return of child to jurisdiction—Child subsequently made ward of court—Whether jurisdiction to make orders—Whether child habitually resident in England at time of initial order—Whether wrongful removal of child to Ireland or wrongful retention within article 3 of Hague Convention—Whether unlawful removal within article 12 of European Convention—Family Law Act 1986, ss. 2(3)(a) (as substituted by Children Act 1989, s. 108(5), Sch. 13, para. 64), 3(1)(a)—Child Abduction and Custody Act 1985, ss. 1(2), 12(2), 23(2), Sch. 1, arts. 3, 5, Sch. 2, arts. 1(d), 12

In re S. (A Minor) (Custody: Habitual Residence), H.L.(E.) [1997] 3 W.L.R. 597

Mother and father living in India—Mother removing child from India—Father applying to English court for return of child—Hague Convention on child abduction inapplicable—Whether welfare of child paramount consideration in determining application—Whether court to consider provisions of Hague Convention—Child Abduction and Custody Act 1985, Sch. 1, art. 13

In re P. (A Minor) (Child Abduction: Non-Convention Country), C.A. [1997] Fam. 45; [1997] 2 W.L.R. 223

Mother removing children from Israel without father's consent—Father and mother strict orthodox Jews—Father's recourse to Beth Din before applying to court for order directing summary return of children—Whether acquiescence in removal or retention—Child Abduction and Custody Act 1985, Sch. 1, art. 13(a)

In re H. (Minors) (Abduction: Acquiescence), H.L.(E.) [1997] 2 W.L.R. 563

Evidence**Disclosure**

Care proceedings following death of child's sister—Father admitting causing fatal injuries—Police informed of admission and seeking disclosure of medical and other evidence—Court's discretion to order disclosure—Whether disclosure to be ordered—Children Act 1989, s. 98—Family Proceedings Rules 1991, r. 4.23

In re C. (A Minor) (Care Proceedings: Disclosure), C.A. [1997] Fam. 76; [1997] 2 W.L.R. 322

Juvenile offender**Notice of proceedings**

Requirement to notify probation officer and local authority—Whether directory or mandatory—Whether failure to give notice rendering proceedings null—Children and Young Persons Act 1969, ss. 5(8), 34(2) (as amended by Criminal Justice and Public Order Act 1994, s. 168(1), Sch. 9, para. 9) *Reg. v. Marsh (Dwayne)*, C.A. [1997] 1 W.L.R. 649

Residence order**Leave to apply**

Application for residence order to be heard in open court—Judge refusing application on grounds of lack of jurisdiction—Whether judge fettering discretion to conduct trial in open court—Whether exercise of discretion always to be in favour of hearings in open court—Family Proceedings Rules 1991, r. 4.16(7)

In re P.-B. (A Minor) (Child Cases: Hearings in Open Court), C.A. [1997] 1 All E.R. 58

COMMERCIAL COURT**Practice****Guide to Commercial Court Practice**

Abridged taxation of costs procedure

Practice Direction (Guide to Commercial Court Practice: Fourth Edition), Colman J. [1997] 2 Lloyd's Rep. 365

Interlocutory proceedings

Time estimates—Summonses overrunning estimates—Separate time estimates for subsequently issued summonses

Practice Direction (Commercial Summonses: Time Estimates), Colman J. [1997] 1 W.L.R. 955

COMMONS**Statutory scheme****Management of common vesting in council**

Houses built on land adjoining common—No access to public highway save across common—Council claiming right to grant vehicular access over common—Whether owner of land comprised in common retaining right to object—Commons Act 1899, ss. 1(1), 6

Newbury District Council v. Russell, Rattee J. (1997) 95 L.G.R. 705

COMPANY**Companies Court***Provisional liquidator*

Application for appointment to be made to judge—Discretion to hear in camera—Chancery Division Practice Directions, dir. 10B(vi)(i)(cc)

Practice Direction (Companies Court: Provisional Liquidator),
Ch.D. [1997] 1 W.L.R. 3

Schemes and reductions

Petitions to sanction schemes of arrangement to be heard by judge—Petitions to confirm reductions of capital to be heard by registrar—Practice in Long Vacation—Chancery Division Practice Directions, dirs. 6E, 10B(vi)(iii)(aa)

Practice Direction (Companies Court: Schemes and Reductions),
Ch.D. [1997] 1 W.L.R. 1

Debenture*Floating charge on assets*

Receiver appointed by debenture holder—Whether preferential creditors having priority—Companies Act 1985, s. 196(1)(2) (as substituted by Insolvency Act 1986, s. 439(1), Sch. 13, Pt. I)—Insolvency Act 1986, s. 40(1)(2)

In re H. & K. Medway Ltd., Neuberger J. [1997] 1 W.L.R. 1422

Director*Disqualification*

Company trading while insolvent—Director continuing in office but unable to influence policy of board—Whether misconduct requiring disqualification—Company Directors Disqualification Act 1986, s. 6(1)

Secretary of State for Trade and Industry v. Taylor, Chadwick J. [1997] 1 W.L.R. 407

Disqualification proceedings based on liquidator's affidavit of interview with non-executive director—Whether parts of affidavit inadmissible as hearsay—Company Directors Disqualification Act 1986, s. 7

Secretary of State for Trade and Industry v. Ashcroft, C.A. [1997] 3 W.L.R. 319

Stay of proceedings—Director offering undertakings not to act as director or be concerned with management of any company—Allegations of unfitness disputed—Secretary of State not accepting undertakings—Whether oppressive to continue disqualification proceedings—Whether stay to be granted—Company Directors Disqualification Act 1986, ss. 6, 8

In re Blackspur Group Plc., Rattee J. [1997] 1 W.L.R. 710

Meetings of directors

Quorum of two for transaction of business—Company having only two directors—One director absent from United Kingdom and not entitled to notice of meeting—Resolution in writing signed by one director—Whether valid—Companies Act 1948, Sch. 1, Table A, regs. 98, 99, 106

Hood Sailmakers Ltd. v. Axford, Carnwath J. [1997] 1 W.L.R. 625

Property transactions

Property acquired from company owned by director when market buoyant—Transaction not approved by company in general meeting—Subsequent collapse in property market—What loss recoverable—Whether compensation for loss of value subsequent to transaction recoverable—Companies Act 1985, ss. 320, 322(3)(b)

In re Duckwari Plc., Judge Paul Baker Q.C. [1997] Ch. 201; [1997] 2 W.L.R. 48

CONFIDENTIAL INFORMATION**Breach of confidence***Public interest*

Application for ancillary relief in matrimonial proceedings in chambers—Judge's finding of tax evasion by husband—Inland Revenue sent copy of transcript of judgment—Application by revenue for leave to keep transcript, inspect documents and obtain transcript of oral evidence—Whether to be granted—Family Proceedings Rules 1991, rr. 10.15(6), 10.20(3)

S. v. S. (Judgment in Chambers: Disclosure), Wilson J. [1997] 1 W.L.R. 1621

Transcript of judgment in divorce proceedings—Finding of tax evasion—Disclosure to revenue—Whether revenue to be allowed to keep judgment and to obtain further documents filed in proceedings—Family Proceedings Rules 1991, rr. 10.15(6), 10.20(3)

S. v. S., Wilson J. (1997) T.C. Leaflet No. 3518

CONFIDENTIAL INFORMATION—continued**Disclosure***Public interest*

Paedophile offenders released from prison staying on holiday caravan site—Police policy of disclosing information to those with need to know for protection of children and vulnerable adults—Police disclosing convictions to site owner—Whether information confidential—Whether policy lawful—Whether disclosure appropriate

Reg. v. Chief Constable of the North Wales Police, Ex parte AB,
D.C. [1997] 3 W.L.R. 724

CONFLICT OF LAWS**Contract***Arbitration clause*

Sale of soya bean meal pellets—Dispute as to condition of cargo—Defendants bringing emergency and substantive proceedings in French courts—Whether disputes to be referred to arbitration—Whether defendants in breach of arbitration agreement—Whether plaintiffs entitled to injunction restraining defendants from continuing proceedings in France—Whether Brussels Convention applicable—Civil Jurisdiction and Judgments Act 1982, Sch. 1, arts. 1(4), 21

Toepfer International G.m.b.H. v. Société Cargill France,
Colman J. [1997] 2 Lloyd's Rep. 98

Jurisdiction

Exclusive jurisdiction agreement—No objection to jurisdictional forum specified in letter of confirmation and invoices—Whether capable of being agreement in form according with practices in international trade or commerce—Whether specification of place of performance having no connection with reality of contract affecting jurisdiction—Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968 (as amended), arts. 5(1), 17

Mainschiffahrts-Genossenschaft e.G. (MSG) v. Les Gravières Rhénanes S.a.r.l.
(Case C-106/95), E.C.J. [1997] Q.B. 731; [1997] 3 W.L.R. 179

Plaintiffs agreeing to sell paper business to defendants—Plaintiffs alleging defendants' misstatements inducing contract—Proceedings in Spain and England—Appropriateness of jurisdiction at common law—Whether English actions to be dismissed or stayed—Civil Jurisdiction and Judgments Act 1982, Sch. 1, arts. 21, 22

Sarrio S.A. v. Kuwait Investment Authority, C.A. [1997] 1 Lloyd's Rep. 113

Plaintiffs claiming jurisdiction of English court over defendant domiciled in Sweden—Plaintiffs seeking to avoid contracts for breach of duty of disclosure before contracts entered into—Plaintiffs claiming entitlement to sue in matters relating to contract in courts for place of performance of obligation in question—Whether duty of disclosure "obligation in question"—Civil Jurisdiction and Judgments Act 1982, Sch. 3C, art. 5(1)

Agnew v. Lansförsäkringsbolagens AB, Mance J. [1996] 4 All E.R. 978

Copyright*Jurisdiction under European Convention*

Action in England for infringement of Dutch copyright—One defendant domiciled in United Kingdom—Whether action for breach of copyright within scope of Convention—Whether justiciable in England—Civil Jurisdiction and Judgments Act 1982, Sch. 1 (as substituted by Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990), art. 6(1)

Pearce v. Ove Arup Partnership Ltd., Lloyd J. [1997] Ch. 293; [1997] 2 W.L.R. 779

Foreign judgment*Jurisdiction to enforce*

Order for payment of lump sum and transfer of property on divorce—Application to enforce in another contracting state under Brussels Convention—Whether matter relating to "maintenance" or "rights in property arising out of a matrimonial relationship"—Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968, arts. 1, 5(2)

Van den Boogaard v. Laumen (Case C-220/95),
E.C.J. [1997] Q.B. 759; [1997] 3 W.L.R. 284

Recognition of foreign judgment see also EUROPEAN COMMUNITY: **Judgment:**

Recognition in other contracting states

Proceedings in India in personam for damage to plaintiffs' cargo carried on defendants' vessel—Subsequent English proceedings in rem for total loss—Whether "between the same parties, or their privies"—Whether defendants estopped by convention or acquiescence from relying on statutory bar—Whether English proceedings commenced before judgment in India "brought"—Civil Jurisdiction and Judgments Act 1982, s. 34

Republic of India v. India Steamship Co. Ltd. (No. 2), C.A. [1997] 2 W.L.R. 538
H.L.(E.) [1997] 3 W.L.R. 818

CONFLICT OF LAWS—continued**Jurisdiction***Anti-suit injunction*

Loan agreement—Conferring jurisdiction concluded for benefit of bank only—Bank alleging default under loan and commencing proceedings in England—Bank commencing proceedings in Greece to enforce mortgage—Defendant commencing proceedings in Greece—Possibility of conflicting judgments—Whether defendant to be restrained from proceedings in Greece—Civil Jurisdiction and Judgments Act 1982, Sch. 1, arts. 17, 21, 22

Banque Cantonale Vaudoise v. Waterlily Maritime Inc.,
Cresswell J. [1997] 2 Lloyd's Rep. 347

Employment

Employee working in several states party to Brussels Convention—Proceedings after dismissal—Criteria for determining "place . . . where the employee habitually carries out his work"—Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968 (as amended), art. 5(1)

Rutten v. Cross Medical Ltd. (Case C-383/95), E.C.J. [1997] I.C.R. 715

Immovable property

Agreements to buy timeshare properties abroad with finance provided by banks—Misrepresentation and breaches of contract by vendors—Purchasers claiming against banks under finance agreements—Whether object of proceedings tenancies of immovable property—Whether foreign courts having exclusive jurisdiction—Consumer Credit Act 1974, ss. 56(2), 75—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 16(1) (as amended by Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990)

Jarrett v. Barclays Bank Plc., C.A. [1997] 3 W.L.R. 654

Restitution

Speculative financial transactions by bank on behalf of Scottish local authority—Transactions subsequently held void ab initio—Bank's claim in England against authority—Motion by authority to strike out for want of jurisdiction—Whether special jurisdiction in English court—Whether matter "relating to a contract"—Whether "relating to tort, delict or quasi-delict"—Civil Jurisdiction and Judgments Act 1982, s. 16, Sch. 4, arts. 2, 5(1)(3)

Kleinwort Benson Ltd. v. Glasgow City Council, H.L.(E.) [1997] 3 W.L.R. 923

Jurisdiction under European Convention*Maintenance*

Claim for maintenance for child against alleged father resident in another contracting state—Whether courts for place of claimant's residence having jurisdiction—Whether claimant "maintenance creditor"—Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968 (as amended), art. 5(2)

Farrell v. Long (Case C-295/95), E.C.J. [1997] Q.B. 842; [1997] 3 W.L.R. 613

Passing off

Action in England for passing off—Existing action by defendant in Germany against plaintiff's licensee for breach of German trade mark—Whether proceedings in England involving same cause of action and between same parties—Whether German court first seised—Whether English court to stay proceedings or decline jurisdiction—Civil Jurisdiction and Judgments Act 1982, Sch. 1 (as substituted by Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990), arts. 2, 5(3), 21, 22

Mecklermedia Corp. v. D.C. Congress G.m.b.H., Jacob J. [1997] 3 W.L.R. 479

Place of performance of contractual obligation

German companies inspecting goods in China for English plaintiffs—Inspection report delivered in England—Plaintiffs suing in England for breach of contract and negligence in preparing reports—Whether England place of performance of principal contractual obligation—Whether tortious claim based on same facts as contractual claim matter "relating to a contract"—Whether matter "relating to tort, delict or quasi-delict"—Civil Jurisdiction and Judgments Act 1982, Sch. 1 (as substituted by Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1990), arts. 2, 5(1)(3)

Source Ltd. v. T.U.V. Rheinland Holding A.G., C.A. [1997] 3 W.L.R. 365

CONFLICT OF LAWS—continued**Sovereign immunity***Diplomatic immunity*

Defendants seeking to bring third party proceedings against constituent territory of recognised state—Defendants issuing third party notice against ruler of constituent territory in public capacity as ruler—Ruler of constituent territory also president of state—Ruler applying to set aside notice on ground of diplomatic immunity—Whether notice to be set aside—Diplomatic Privileges Act 1964, Sch. 1, art. 31—State Immunity Act 1978, ss. 14, 20

Bank of Credit and Commerce International (Overseas) Ltd. v. Price Waterhouse (Abu Dhabi, Third Party), Laddie J. [1997] 4 All E.R. 108

CONTEMPT OF COURT**Breach of injunction***Committal*

Serious Fraud Office seizing applicant's computers pursuant to search warrant in order to download information—Applicant obtaining ex parte injunction ordering return of all downloaded computers—S.F.O. failing to comply with order—Applicant applying for committal of officers for contempt of court—Whether downloading process including writing to disk of transferred information for purposes of securing it

Reg. v. City of London Magistrates' Court, Ex parte Green, D.C. [1997] 3 All E.R. 551

Restraint order

Husband and wife having joint tenancy—Injunction restraining wife from excluding husband from house—Wife giving notice to local authority landlord to terminate tenancy—Whether wife or local authority in contempt of court—Whether possession proceedings by local authority abuse of process

Harrow London Borough Council v. Johnstone, H.L.(E.) [1997] 1 W.L.R. 459

Breach of undertaking*Privilege against self-incrimination*

Whether privilege available for civil contempt—Whether privilege withdrawn in proceedings for infringement of intellectual property rights and passing off—Civil Evidence Act 1968, s. 14(1)—Supreme Court Act 1981, s. 72

Cobra Golf Inc. v. Rata, Rimer J. [1997] 2 W.L.R. 629

Committal order*Civil contempt*

Court order to do act within specified period—Contemnor committed to prison for breach—Second application for committal for continuing breach of same order—Whether jurisdiction to commit contemnor twice for breach of same order

Kumari v. Jalal, C.A. [1997] 1 W.L.R. 97

Failure to specify allegations of contempt and findings—Whether irregularity invalidating committal—Whether orders to be set aside—Administration of Justice Act 1960, s. 13(3)—County Court Rules 1981, Ord. 29, r. 1 (as amended by County Court (Amendment) Rules 1991, rr. 5, 6)

Nicholls v. Nicholls, C.A. [1997] 1 W.L.R. 314

Dispensing with service of High Court order

Anton Piller order omitting penal notice—Failure to serve on respondent swearing affidavit in response—Proceedings for sequestration of assets and committal following breach—Refusal of application to strike out—Whether jurisdiction to dispense with service of order retrospectively—R.S.C., Ord. 45, r. 7(7)

Davy International Ltd. v. Tazzyman, C.A. [1997] 1 W.L.R. 1256

Court proceedings*Third party*

Disclosure ordered of confidential documents to appellants for use on appeal only—Passages from documents quoted in judgment in open court—Documents obtained by third party from separate source—Third party publishing facsimile of some documents and more extensive extracts than those quoted by court—Whether third party in contempt of court

Attorney-General v. Newspaper Publishing Plc., C.A. [1997] 1 W.L.R. 926

Pending proceedings*Prejudicing fair trial*

Extensive publicity given to accused's violent behaviour and previous convictions prior to arrest—Subsequent charge of wounding with intent—Respondents publishing articles concerning pending trial—Criminal proceedings subsequently stayed—Whether publications creating substantial risk of serious prejudice to trial—Contempt of Court Act 1981, ss. 1, 2

Attorney-General v. MGN Ltd., D.C. [1997] 1 All E.R. 456

CONTRACT**Construction***Liability for claims*

Computer company supplying equipment and software for collection of community charge — Company's express term limiting contractual liability—Population figures for council's area overstated due to software error—Error causing loss of revenue due to setting charge too low—Whether breach of contract by company—Whether term seeking to restrict liability enforceable—Quantum of damages recoverable by local authority—Unfair Contract Terms Act 1977, s. 3 **St. Albans City and District Council v. International Computers Ltd.**, C.A. [1996] 4 All E.R. 481; 95 L.G.R. 592

Sale of share and loan capital

Provision for reasonable access to accounting records—Dispute as to whether documents relevant to certification—Whether only one reference to be made to expert—Whether court having jurisdiction to determine dispute

British Shipbuilders v. VSEL Consortium Plc., Lightman J. [1997] 1 Lloyd's Rep. 106

Side letter

Agreement for supply of crude oil—Side letter agreeing to provide confirmation—Obligations required to be performed prior to confirmation—Defendants repudiating agreement—Whether in breach—Whether plaintiffs entitled to damages based on third party offer—Whether plaintiffs able to claim damages on loss of profit basis

North Sea Energy Holdings N.V. v. Petroleum Authority of Thailand, Thomas J. [1997] 2 Lloyd's Rep. 418

Procuring breach*Charterparty*

Plaintiffs in competition with defendants—Plaintiffs sub-sub-chartering defendants' vessel—Defendants refused to allow performance and "withdrew" vessel—Whether plaintiffs entitled to damages for inducement of breach of contract

The Nadezhda Krupskaya, Rix J. [1997] 2 Lloyd's Rep. 35

Validity*Lease*

Grant of lease by nominee to principal—Effective lease requiring mutual rights and obligations—Whether principle that no person can contract with himself breached

Ingram v. Inland Revenue Comrs., C.A. [1997] 4 All E.R. 395

CONVERSION**Possession, right to***Human body*

Deceased dying of brain tumour—Deceased's brain removed and preserved in paraffin during post mortem investigations—Brain subsequently disposed of—Next-of-kin requesting brain for evidential purposes in medical negligence suit—Whether right of possession or property in part of human body—Whether hospital under duty to preserve brain—Coroners Rules 1984, r. 9

Dobson v. North Tyneside Health Authority, C.A. [1997] 1 W.L.R. 596

COPYRIGHT *see also* CONFLICT OF LAWS: **Jurisdiction under European Convention****Broadcast***Sound recordings*

Incidental copying for broadcasting purposes—Whether statutory right to make copies including right to retain copies more than 28 days after first use for broadcasting purposes—Copyright, Designs and Patents Act 1988, ss. 68, 135C(1) (as inserted by Broadcasting Act 1990, s. 175(1))

Phonographic Performance Ltd. v. A.E.I. Rediffusion Music Ltd., Lightman J. [1997] 3 W.L.R. 982

Infringement*Defence*

Musical work—Whether representation by recording company to distributor that copyright not infringed defence—Whether distributor having necessary knowledge—Copyright, Designs and Patents Act 1988, s. 23

ZYX Music G.m.b.H. v. King, C.A. [1997] 2 All E.R. 129

Indirect copying

Plaintiff manufacturing cartridges for photocopiers and laser printers Defendant manufacturing cartridges indirectly copying plaintiff's drawings of cartridge parts—Whether defendant infringing plaintiff's copyright in drawings—Whether "spare parts exception" to copyright protection applicable—Copyright Act 1956, ss. 1(1), 3(5)(a) (extended to Hong Kong by Copyright (Hong Kong) Order 1972, art. 3)

Canon Kabushiki Kaisha v. Green Cartridge Co. (Hong Kong) Ltd., P.C. [1997] A.C. 728; [1997] 3 W.L.R. 13

CORONER**Inquest***Assessor*

Death during surgery under anaesthetic—Coroner sitting with consultant anaesthetist as assessor—Whether permissible for coroner to seek assistance of assessor—Appropriate function of assessor—Whether verdict of death as result of “neglect” appropriate

Reg. v. Surrey Coroner, Ex parte Wright, Tucker J. [1997] Q.B. 786; [1997] 2 W.L.R. 16

COSTS**Commercial Court***Abridged taxation of costs*

Optional procedure in commercial matters—R.S.C., Ord. 62, rr. 27(2), 29(6)(a), 33–35, App. A **Practice Direction (Commercial Court: Costs)**, Q.B.D. [1997] 1 W.L.R. 1198

Discretion of court*Application against non-party*

Defendants alleging plaintiffs’ parent company controlling conduct of action and therefore financing proceedings—Whether parent company to be made jointly and severally liable for costs

Centro Latino Americano de Comercio Exterior S.A. v. Owners of the Ship Kommunar (No. 3), Colman J. [1997] 1 Lloyd’s Rep. 22

Legal expenses insurance—Policy financing plaintiff’s action—Plaintiff exhausting policy cover on own costs—Defendant obtaining judgment and seeking costs order against insurer—Whether insurer liable for defendant’s costs regardless of contractual limit of liability under policy—Supreme Court Act 1981, s. 51(1)

Murphy v. Young & Co.’s Brewery Plc., C.A. [1997] 1 W.L.R. 1591

Plaintiff company in liquidation—Liquidator commencing proceedings—Defendant’s application for security for costs granted—Plaintiff lacking funds to meet order—Whether appropriate to order costs against liquidator personally

Metalloy Supplies Ltd. v. M.A. (U.K.) Ltd., C.A. [1997] 1 W.L.R. 1613

Case stated in revenue matter

Appeal to High Court—Case remitted to special commissioners for further findings—Whether court’s discretion on costs including costs of remitters—Whether discretion to be exercised to include those costs—R.S.C., Ord. 62, r. 2(4)

Whittles v. Uniholdings Ltd. (No. 2), C.A. (1996) 68 T.C. 528

Costs following event

Plaintiff awarded damages in excess of payment into court—Whole amount payable to state in repayment of benefit received by plaintiff—Whether plaintiff entitled to costs as successful party—Social Security Administration Act 1992, s. 82(1)—R.S.C., Ord. 62, r. 3(3)

McCaffery v. Datta, C.A. [1997] 1 W.L.R. 870

Interest*Date from which payable*

Consent order staying action and giving plaintiff leave to withdraw money paid into court—Plaintiff’s costs when taxed or agreed to be paid by defendants—Plaintiff’s applying for interest on costs from date of consent order—Whether court having jurisdiction to hear application—Whether interest running from date of consent order or date of taxation—Judgments Act 1838, ss. 17, 18

Electricity Supply Nominees Ltd. v. Farrell, C.A. [1997] 1 W.L.R. 1149

House of Lords allowing appeal by defendants from Court of Appeal—Plaintiffs ordered to pay defendants’ costs in Court of Appeal—Whether power to backdate order to date of judgment of Court of Appeal—R.S.C., Ord. 42, r. 3

Nykredit Mortgage Bank Plc. v. Edward Erdman Group Ltd. (No. 2), H.L.(E.) [1997] 1 W.L.R. 1627

Order for costs in plaintiff’s favour—Order providing for plaintiff’s costs to be taxed—Subsequent orders on issues on costs—Whether interest on costs of taxation payable from date of initial or subsequent orders—Judgments Act 1838, s. 17—R.S.C., Ord. 62, rr. 1(4), 27(1)

Ross v. Bowbelle (Owners), C.A. [1997] 1 W.L.R. 1159

Taxation*Application to review*

Assessment of litigant in person’s costs—Judge on review concluding taxation not unreasonable—Whether judge to exercise own discretion—County Court Rules 1981, Ord. 38, r. 24(4)(6)

Kawarindrasingh v. White, C.A. [1997] 1 W.L.R. 785

COSTS—continued**Taxation—continued***Application to review—continued*

Co-defendants jointly and severally liable for order of costs when taxed—Bills of costs not served on one defendant and taxation continuing in his absence for over three years—Whether taxing master entitled to make order intended to have rerun of taxation—R.S.C., Ord. 62, r. 30(5)

Mainwaring v. Goldtech Investments Ltd. (No. 2), Robert Walker J. [1997] 4 All E.R. 16

Litigant in person—Whether rule of court as to costs ultra vires—Whether pecuniary loss established—Supreme Court Act 1981, s. 84(1)(2)—R.S.C., Ord. 62, r. 18(3)

Mainwaring v. Goldtech Investments Ltd., Robert Walker J. [1997] 1 All E.R. 467

Provisional taxation—Whether power to review after certificate of taxation issued—R.S.C., Ord. 62, rr. 31, 33, 34

Bromsgrove Medical Products Ltd. v. Edgar Vaughan & Co. Ltd., Chadwick J. [1997] 1 W.L.R. 1188

Costs on indemnity basis

Defendant entitled to indemnity against third party for damages awarded to plaintiff—Order that third party pay defendant's costs of defending plaintiff's action—Whether costs to be taxed on indemnity or standard basis—R.S.C., Ord. 62, r. 3(2)

Penn v. Bristol & West Building Society, C.A. [1997] 1 W.L.R. 1356

Practice

New fee structure—Supreme Court Fees (Amendment) Order 1996

Practice Note (Taxation: Fees), Supreme Court Taxing Office [1997] 1 W.L.R. 218

Solicitor

Application to quash inspector's decision on planning appeal—Successful appeal against refusal to order cross-examination of inspector—Local solicitors with specialist planning expertise retained—Whether hourly rate above local average to be allowed

Jones v. Secretary of State for Wales, Buckley J. [1997] 1 W.L.R. 1008

Wasted costs orders*Party to proceedings*

Application for leave to apply for judicial review—Prospective respondent to judicial review proceedings—Whether "party" to application—Whether jurisdiction to make wasted costs order—Supreme Court Act 1981, s. 51(6)(7) (as substituted by Courts and Legal Services Act 1990, s. 4(1))—R.S.C., Ord. 53, r. 3(2)

Reg. v. Camden London Borough Council, Ex parte Martin, Sedley J. [1997] 1 W.L.R. 359

COUNTY COURT**Practice***Striking out*

Automatic directions—Plaintiff requesting hearing date more than six months but less than 15 months from close of pleadings—No extension of time sought—Whether request validly made—Whether action automatically struck out—County Court Rules 1981, Ord. 17, r. 11 (as substituted by County Court (Amendment No. 3) Rules 1990, r. 14)

Perry v. Wong, C.A. [1997] 1 W.L.R. 381

COURT OF APPEAL (CIVIL DIVISION)**Jurisdiction***Criminal cause or matter*

Refusal to issue letters of request in support of habeas corpus application in extradition proceedings—Whether order made in "criminal cause or matter"—Whether appeal from High Court lying to Court of Appeal (Civil Division)—Supreme Court Act 1981, s. 18(1)(a)—Extradition Act 1989, s. 11(3)—Criminal Justice (International Co-operation) Act 1990, s. 3

Cuoghi v. Governor of Brixton Prison, C.A. [1997] 1 W.L.R. 1346

Interlocutory relief

Application to restrain defendant from dealing with assets pending appeal—Refusal at first instance—Renewed application—Whether Court of Appeal having jurisdiction to determine

Ketchum International Plc. v. Group Public Relations Holdings Ltd., C.A. [1997] 1 W.L.R. 4

Renewed ex parte application

Single judge refusing leave to inspect register of winding up petitions—No right of appeal—Whether Court of Appeal having jurisdiction to hear renewed application—Supreme Court Act 1981, s. 18(1)(c)—R.S.C., Ord. 15, r. 14(3)

Ex parte Austintel Ltd., C.A. [1997] 1 W.L.R. 616

COURT OF APPEAL (CIVIL DIVISION)—continued**Practice***Appeals*

Skeleton arguments—Applications for extension of time—Case management—R.S.C., Ord. 59, rr. 9(3)(4), 14(1A)

Practice Direction (Court of Appeal: Skeleton Arguments and Case Management), C.A. [1997] 1 W.L.R. 1535

Core bundles

To be lodged in advance—Revised hear-by dates

Practice Direction (Court of Appeal: Amended Procedure), C.A. [1997] 1 W.L.R. 1013

CRIME**Abuse of process***Absence of co-accused*

Whether fair trial possible

Reg. v. Forsyth, C.A. [1997] 2 Cr.App.R. 299

Implied undertaking not to prosecute

Accused initially treated as prosecution witness—Effect on accused of course taken by prosecution—Whether accused seriously prejudiced—Whether abuse of process

Reg. v. Townsend, C.A. [1997] 2 Cr.App.R. 540

Prosecution after indication

Prosecuting counsel indicating no evidence to be offered—Judge ordering case to be relisted “for mention”—Prosecution subsequently continuing—Whether abuse of process

Reg. v. Bloomfield, C.A. [1997] 1 Cr.App.R. 135

Aiding and abetting*Counselling or procuring*

Insider dealing—Disclosure of unpublished price sensitive information—Whether sufficient information to identify company—Test to be applied—Company Securities (Insider Dealing) Act 1985, s. 1(7)

Reg. v. Staines, C.A. [1997] 2 Cr.App.R. 426

Falsification of tachograph records

Individual drivers pleading guilty to specimen offences—Whether company and managers positively encouraging drivers’ illegal acts—Whether judge’s direction to jury adequate—Accessories and Abettors Act 1861, s. 8

Reg. v. Alford (J.F.) Transport Ltd., C.A. [1997] 2 Cr.App.R. 326

Assault*Alternative verdict*

Conviction for wounding with intent to do grievous bodily harm—Whether alternative offence of unlawful wounding to have been left to jury—Whether failure to leave alternative offence necessarily rendering conviction unsafe

Reg. v. Bergman, C.A. [1996] 2 Cr.App.R. 399

Assault occasioning actual bodily harm

Defendants making repeated silent telephone calls—Victims suffering psychological damage—Whether defendants’ acts capable of constituting assault—Whether psychiatric injury actual “bodily harm”—Offences against the Person Act 1861, ss. 20, 47 (as amended by Statute Law Revision Act 1892, s. 1, Sch. and Criminal Justice Act 1988, s. 170(2), Sch. 16)

Reg. v. Ireland, H.L.(E.) [1997] 3 W.L.R. 534

Fear of violence

Defendant sending threatening letter to victim—Victim suffering psychological damage from fear of violence—Whether fear of immediate violence—Offences Against the Person Act 1861, s. 47

Reg. v. Constanza, C.A. [1997] 2 Cr.App.R. 492

Inflicting grievous bodily harm

Psychiatric injury caused without application of direct or indirect physical force—Whether offence of inflicting grievous bodily harm—Offences against the Person Act 1861, s. 20

Reg. v. Burstow, C.A. [1997] 1 Cr.App.R. 144

Bail*Bail condition*

Condition imposed by Crown Court judge requiring further medical report—Application to remove condition—Crown Court judge upholding condition—Whether application for judicial review appropriate way to challenge decision—Court’s inherent jurisdiction—R.S.C., Ord. 79, r. 9

Reg. v. Croydon Crown Court, Ex parte Cox, D.C. [1997] 1 Cr.App.R. 20

CRIME—continued**Child, indecent photograph of***Data on computer*

Indecent pictures of children accessed by password—Whether “photographs”—Whether distributed or shown to others—Protection of Children Act 1978, s. 1(1)(b)(c)

Reg. v. Fellows, C.A. [1997] 2 All E.R. 548; [1997] 1 Cr.App.R. 244

Children, offences by*Children between ages of 10 and 14*

Presumption of doli incapax—Evidence required to rebut presumption

L. (A Minor) v. Director of Public Prosecutions, D.C. [1996] 2 Cr.App.R. 501

A. v. Director of Public Prosecutions, D.C. [1997] 1 Cr.App.R. 27

12-year-old unequivocally pleading guilty—Magistrates permitting case to be re-heard—Whether magistrates wrong in law—Magistrates’ Courts Act 1980, s. 142(2)

Reg. v. Croydon Youth Court, *Ex parte Director of Public Prosecutions*, D.C. [1997] 2 Cr.App.R. 411

Rape

Girls aged 11 and 14 charged with aiding and abetting rape—Male principal aged over 10 but probably under 14—Principal never apprehended—Presumption of doli incapax negated in respect of girls—Whether finding of doli incapax in principal vitiating conviction of girls as procurers

Director of Public Prosecutions v. K. and B., D.C. [1997] 1 Cr.App.R. 36

Common law offence

Cheating public revenue see **Conspiracy**

Compensation*Jurisdiction to make order*

Damage caused by insured driver—Insurance details not required and not provided by driver—Whether justices entitled to treat driver as “uninsured”—Whether order to pay compensation lawfully made—Powers of Criminal Courts Act 1973, s. 35(3)

McDermott v. Director of Public Prosecutions, D.C. [1997] R.T.R. 474

Dangerous driving by uninsured driver resulting in damage to police car—Whether damage excluded from compensation order owing to arrangement to which Secretary of State party—Whether compensation payable under motor insurers’ agreement—Powers of Criminal Courts Act 1973, s. 35(3)—Criminal Justice Act 1988, s. 104—Motor Insurers’ Bureau Agreement (Compensation of Victims of Uninsured Drivers) 1988, cl. 2(3), 6(1)

Reg. v. Austin, C.A. [1996] R.T.R. 414

Conspiracy*Conspiracy to cheat public revenue*

Whether “result” or “conduct” crime—Whether necessary to prove loss to revenue

Reg. v. Hunt, C.A. (1994) 68 T.C. 132

Conspiracy to defraud

Particulars of offence containing several false representations—Whether jury to be directed to be unanimous upon at least one particular

Reg. v. Hancock, C.A. [1996] 2 Cr.App.R. 554

Court of Appeal (Criminal Division)*Application for leave to appeal*

Change in law after conviction—Whether change in law rendered conviction unsafe—Whether ground for appealing out of time

Reg. v. Hawkins (Paul), C.A. [1997] 1 Cr.App.R. 234

Fresh evidence

Evidence received by court on appeal—Admissibility of fresh expert evidence—Criminal Appeal Act 1968, s. 23 (as amended)

Reg. v. Jones (Steve), C.A. [1997] 1 Cr.App.R. 86

Guide to proceedings

Text with forms

Court of Appeal, Criminal Division, A Guide to Proceedings, C.A. [1997] 2 Cr.App.R. 459

Preparatory hearing order

Serious and complex fraud—Application to quash amended indictment—Whether appeal lies to Court of Appeal—Criminal Justice Act 1987, ss. 7(1), 9(3)(11)

Reg. v. Hedworth, C.A. [1997] 1 Cr.App.R. 421

CRIME—continued**Court of Appeal (Criminal Division)—continued***Proviso to section 2(1)*

Criminality of defendant clearly established but particulars of offence incapable of supporting conviction for offence alleged—Whether open to Court of Appeal to find conviction safe—Substitution of alternative verdict where conviction unsafe—Criminal Appeal Act 1968, ss. 2 (as amended), 3 **Reg. v. Graham**, C.A. [1997] 1 Cr.App.R. 302

Criminal Injuries Compensation Board*Compensation, whether payable*

Applicant having criminal record—Compensation refused on basis of character—Request for oral hearing—Applicant admitting criminal record but disputing significance—Whether applicant disputing “material facts or conclusions”—Whether oral hearing properly refused—Criminal Injuries Compensation Scheme 1964 (1990 rev.), para. 24(c)

Reg. v. Criminal Injuries Compensation Board, Ex parte Dickson, C.A. [1997] 1 W.L.R. 58

Procedure

Applicant claiming compensation for sexual assaults—Evidence not including police surgeon’s report—Board rejecting applicant’s claim for lack of forensic evidence—Whether board under duty to procure police surgeon’s report—Whether unfairness to applicant

Reg. v. Criminal Injuries Compensation Board, Ex parte A., C.A. [1997] 3 W.L.R. 776

Double jeopardy*Autrefois convict*

Death caused by tenant’s use of defective gas appliance—Conviction of landlord for breach of duty under health and safety legislation—Subsequent indictment charging manslaughter—Charges founded on same evidence—Whether plea of autrefois convict sustainable—Whether special circumstances justifying trial for manslaughter

Reg. v. Beedie, C.A. [1997] 3 W.L.R. 758

Drugs*Confiscation order*

Proceeds of drug trafficking—Assumptions to be made—When discretion to make assumptions to be exercised—Whether “expenditure” including gifts—Factors to be considered in determining term of imprisonment in default—Drug Trafficking Offences Act 1986, s. 2(2)(3)

Reg. v. Clark (Paul), C.A. [1997] 1 W.L.R. 557

Proceeds of drug trafficking—Defendants accepting prosecution statement—Appeal on ground that acceptance induced by mistake of law—Whether right of appeal excluded—Drug Trafficking Offences Act 1986, s. 3(1)

Reg. v. Emmett, H.L.(E.) [1997] 3 W.L.R. 1119

Duress*Objective test*

Relevant characteristics of defendant—Whether low intelligence relevant characteristic

Reg. v. Bowen, C.A. [1997] 1 W.L.R. 372

Evidence*Admission*

Department of Trade and Industry inspectors—Answers given under coercion—Whether admissible—Financial Services Act 1986, s. 177—Police and Criminal Evidence Act 1984, s. 78

Reg. v. Staines, C.A. [1997] 2 Cr.App.R. 426

Joint trial—Confession by one defendant—Prosecution not relying on confession—Whether admissible at request of co-defendant

Reg. v. Myers, H.L.(E.) [1997] 3 W.L.R. 552

Police bugging remand cell—Co-defendant in cell with defendant to try to get defendant to exculpate him—Whether evidence of admissions in tape recording admissible—Whether breaches of Code of Practice in relation to co-defendant relevant—Police and Criminal Evidence Act 1984, s. 78(1)

Reg. v. Roberts (Stephen), C.A. [1997] 1 Cr.App.R. 217

Statement by defendant containing admissions and excuses—Justices declining to consider statement considering it self-serving—Whether justices in error

Western v. Director of Public Prosecutions, D.C. [1997] 1 Cr.App.R. 474

Alibi

Judge’s omission to direct jury that alibi sometimes falsified to bolster genuine defence—Whether omission rendering conviction unsafe

Reg. v. Harron, C.A. [1996] 2 Cr.App.R. 457

CRIME—continued**Evidence—continued****Character**

Cross-examination as to previous convictions—Prosecution witness's deposition read to jury—Defence witness impugning prosecution witness's character—Defendant representing himself—Whether judge right to allow Crown to cross-examine defendant as to previous convictions—Criminal Evidence Act 1898, s. 1(f)(ii)—Criminal Justice Act 1988, s. 23

Reg. v. Miller (Vance), C.A. [1997] 2 Cr.App.R. 178

Cross-examination on previous convictions—Defendant's evidence supporting prosecution case on fact not in issue but jeopardising co-defendant's credibility—Whether cross-examination of defendant on previous convictions justified—Whether separate trials to be ordered—Criminal Evidence Act 1898, s. 1(f)(iii) (as amended by Criminal Evidence Act 1979, s. 1(1))

Reg. v. Crawford (Charisse), C.A. [1997] 1 W.L.R. 1329

Confession

Admissibility—Oral admission allegedly made to police officers—Defendant denying making admission—Issue of voluntariness also raised—Whether judge to rule on admissibility—Hong Kong

Thongjai v. The Queen, P.C. [1997] 3 W.L.R. 667

Corroboration

Joint enterprise—Conspiracy to evade prohibition on importation of drugs—Evidence of conversations between two participants referring to third—Whether evidence admissible against third participant—Only other evidence against third participant circumstantial—Whether judge to direct jury in terms not to act on evidence of conversations alone

Reg. v. Jones (Brian), C.A. [1997] 2 Cr.App.R. 119

Joint enterprise—Drugs related offences—Evidence of conversations and actions of co-accused in absence of defendant—Whether in pursuance of joint enterprise and admissible

Reg. v. Murray (Anthony), C.A. [1997] 2 Cr.App.R. 136

Propensity—Sexual offences—Possession of homosexual pornographic magazines—Whether admissible as evidence of propensity

Reg. v. B. (R.A.), C.A. [1997] 2 Cr.App.R. 88

D.N.A. profile evidence

D.N.A. testing—Guidance on procedure in relation to evidence

Reg. v. Doheny, C.A. [1997] 1 Cr.App.R. 369

Defendant's failure to give evidence

Defendant 15 at date of trial but with mental age of nine—Whether undesirable for him to give evidence—Whether entitled to same immunity from adverse comment as person under 14—Criminal Justice and Public Order Act 1994, s. 35(1)(b)

Reg. v. Friend, C.A. [1997] 1 W.L.R. 1433

Disclosure see also Prosecution evidence; Witness summons

Witness summons requiring disclosure of large number of documents—Documents in possession of local authority—Judge requiring local authority to appoint counsel to consider relevance—Public interest immunity claimed in respect of some—Judge ruling on admissibility—Whether judge required to read all documents himself to decide whether relevant and therefore to be disclosed

Reg. v. W. (G.), C.A. [1997] 1 Cr.App.R. 166

Expert

Expert giving scientific evidence of work carried out by laboratory assistants—No written statements or admissions—Situation remedied after close of prosecution case—Whether proper exercise of judge's discretion

Reg. v. Jackson (Terry), C.A. [1996] 2 Cr.App.R. 420

Guilty plea by co-accused

Rape charge—Co-accused pleading guilty before appellant's trial—Crown applying to adduce evidence of co-accused's plea—Judge not knowing basis on which plea entered—Whether grounds for admitting evidence—Police and Criminal Evidence Act 1984, s. 74

Reg. v. Mahmood (Khalid), C.A. [1997] 1 Cr.App.R. 414

Identity

Visual identification—Police officer witnessing crime—Officer subsequently attending incident where suspect believed to be present and making positive identification—Whether improper confrontation—Jamaica

Williams (Noel) v. The Queen, P.C. [1997] 1 W.L.R. 548

Interview

Cell interviews not contemporaneously recorded at insistence of accused—Notes made subsequently not shown to accused—Whether properly admitted in evidence—Police and Criminal Evidence Act 1984, s. 78

Reg. v. Dures, C.A. [1997] 2 Cr.App.R. 247

CRIME—continued**Evidence—continued***Interview—continued*

Defendant questioned under caution failing to answer questions—Conditions to be met before jury draw inferences—Judge's direction to jury—Criminal Justice and Public Order Act 1994, s. 34(2)(d) **Reg. v. Argent**, C.A. [1997] 2 Cr.App.R. 27

Defendant's silence at police interview—Proper inferences to be drawn—Appropriate direction to jury—Whether defendant's statement that acting on advice waiver of privilege—Criminal Justice and Public Order Act 1994, s. 34 **Reg. v. Condron (William)**, C.A. [1997] 1 W.L.R. 827

Privilege

Appeal on behalf of deceased defendant—Whether legal professional privilege survives death of defendant—Whether power of waiver vests in personal representatives **Reg. v. Molloy, decd.**, C.A. [1997] 2 Cr.App.R. 283

Prosecution evidence

Disclosure of information to defence—Prosecution not disclosing information about credibility of defence witnesses—Whether duty of disclosure **Reg. v. Brown (Winston)**, H.L.(E.) [1997] 3 W.L.R. 447

Disclosure of information to defence—Statements taken from witness by police—Prosecution not regarding evidence as credible—Whether duty to disclose statements to defence—Criminal Appeal Act 1968, s. 2(1) **Reg. v. Mills**, H.L.(E.) [1997] 3 W.L.R. 458

Witness's statement included in committal bundle but witness not called by prosecution—Judge refusing to direct prosecution to call witness—Whether proper exercise of discretion **Reg. v. Brown (Daniel)**, C.A. [1997] 1 Cr.App.R. 112

Telephone intercept

Conversations intercepted with consent of person to whom or by whom call made—Whether substance of consensual telephone intercept admissible—Interception of Communications Act 1985, ss. 1(2)(b), 9(1) **Reg. v. Rasool**, C.A. [1997] 1 W.L.R. 1092

Television link

Defence application for witnesses to give evidence via television link abroad—No extradition treaty in force—Whether trial judge having jurisdiction to allow application—Criminal Justice Act 1988, s. 32 **Reg. v. Forsyth**, C.A. [1997] 2 Cr.App.R. 299

Video recording

Child witness—Video interview conducted when child under 14 years old put before court as evidence-in-chief—Cross-examination at trial under oath when child over 14 years old—Whether proper procedure—Criminal Justice Act 1988, ss. 32A, 33A **Reg. v. Day (Barry)**, C.A. [1997] 1 Cr.App.R. 181

Witness

Previous inconsistent statements—Indecent assault—Denial by defendant—Whether other allegedly false allegations by complainant admissible **Reg. v. Nagrecha**, C.A. [1997] 2 Cr.App.R. 401

Witness summons

Production of documents held by third party sought by way of witness summons—Purpose of such summons—Procedure to be adopted—Criminal Procedure (Attendance of Witnesses) Act 1965, s. 2 **Reg. v. H. (L.)**, Sedley J. [1997] 1 Cr.App.R. 176

Written statements

Witness absent abroad—Admissibility of written statement—Whether accused able to controvert such evidence—Whether right to silence abrogated—Criminal Justice Act 1988, ss. 23, 26 **Reg. v. Gokal**, C.A. [1997] 2 Cr.App.R. 266

Firearms*Possession of*

Intent to enable others to endanger life—Whether specific intent—Firearms Act 1968, s. 16 (as amended by Criminal Damage Act 1971, s. 11(8), Sch., Pt. I) **Reg. v. Jones (Ivor)**, C.A. [1997] Q.B. 798; [1997] 2 W.L.R. 792

CRIME—continued**Fraud**

Insider dealing see **Aiding and abetting**

Homicide*Diminished responsibility*

Defendant convicted of murder—Defence of diminished responsibility not available at trial—Whether fresh psychiatric evidence able to be relied upon

Reg. v. Campbell (Colin), C.A. [1997] 1 Cr.App.R. 199

Murder

Intent—Father charged with murder of baby—Admitting throwing him but not intending serious harm—Whether intent to be inferred where defendant appreciates “substantial risk” of serious harm resulting or only where “virtual certainty” of serious harm resulting

Reg. v. Woollin, C.A. [1997] 1 Cr.App.R. 97

Joint enterprise—Primary party intending to kill or cause serious bodily harm—Whether secondary party’s realisation of possibility sufficient to found conviction—Primary party departing from common design by unforeseen action—Whether secondary party guilty of murder or manslaughter

Reg. v. Powell (Anthony), H.L.(E.) [1997] 3 W.L.R. 959

Prosecution alleging that defendant either committed offence himself or encouraged another to do so—Whether jury to be directed to be unanimous as to basis on which they find guilt

Reg. v. Giannetto, C.A. [1997] 1 Cr.App.R. 1

Stabbing of pregnant woman causing premature labour—Child born alive dying after 121 days—Whether intention to kill or do grievous bodily harm to mother sufficient intention for murder—Whether charge of manslaughter sustainable

Attorney-General’s Reference (No. 3 of 1994), H.L.(E.) [1997] 3 W.L.R. 421

Provocation

Son charged with mother’s murder—No direct evidence of provocation—Whether evidence justifying inference of provocation—Whether issue of provocation to be left to jury—Homicide Act 1957, s. 3

Reg. v. Acott, H.L.(E.) [1997] 1 W.L.R. 306

View of counsel at trial that provocation not to be left to jury—Judge not directing jury on issue—Whether verdict unsafe—Homicide Act 1957, s. 3

Reg. v. Dhillon (Kuljit Singh), C.A. [1997] 2 Cr.App.R. 104

Indictment*Joinder of charges*

Some charges transferred to Crown Court and others committed for trial by justices—Whether prohibition on joinder—Administration of Justice (Miscellaneous Provisions) Act 1933, s. 2(2)

Reg. v. Townsend, C.A. [1997] 2 Cr.App.R. 540

Summary offence improperly joined to indictable offence—Effect of misjoinder—Criminal Justice Act 1988, s. 40(1)

Reg. v. Smith (Brian), C.A. [1997] Q.B. 836; [1997] 2 W.L.R. 588

Particulars of offences

Specimen counts—Lack of identification of incidents relied on—Whether judge to have required prosecution to particularise counts

Reg. v. Rackham, C.A. [1997] 2 Cr.App.R. 222

Severance of charges

Joinder of counts lacking necessary nexus—Trial judge staying original indictment and ordering fresh indictment to be signed—Proper officer of court failing to sign fresh indictment—Whether trial nullity—Administration of Justice (Miscellaneous Provisions) Act 1933, s. 2(1)(2)

Reg. v. Jackson, C.A. [1997] 2 Cr.App.R. 497

Judge*Conduct*

Witness refusing to answer questions—Witness arrested in presence of jury for contempt—Application to discharge jury refused—Whether judge’s observations in summing up sufficient to dispel prejudice—Whether conviction unsafe

Reg. v. Maguire (Francis), C.A. [1977] 1 Cr.App.R. 61

Interventions

Judge intervening during defendant’s evidence in absence of jury—Counsel seeking clarification in chambers—Subsequent request to discharge jury—Whether intervention prejudicing defendant when giving evidence

Reg. v. Alves, C.A. [1997] 1 Cr.App.R. 78

CRIME—continued**Judge—continued***Irregularity*

Judge receiving note from jury—Judge suspecting juror having previous convictions and instigating inquiries—Whether appropriate for judge to make inquiries—Whether judge to advise defence counsel before inquiries made **Reg. v. Obellim**, C.A. [1997] 1 Cr.App.R. 355

Procedural rulings during trial

Whether judge to give reasons for procedural rulings during trial—Judge ruling on admissibility of statements—Credibility of witnesses sole issue—Whether judge to give reasons for admitting statements—Jamaica **Wallace v. The Queen**, P.C. [1997] 1 Cr.App.R. 396

Jury*Discharge*

Juror asking to be discharged—Alleging anxiety state brought on by nature of evidence—Whether judge to discharge whole jury—Whether judge to disclose to counsel previous communications with juror **Reg. v. Conroy**, C.A. [1997] 2 Cr.App.R. 285

Dispersal

Judge permitting jury to disperse after directing them to consider verdict—Directions to be given to jury before dispersing—Criminal Justice and Public Order Act 1994, s. 43
Reg. v. Oliver (Ian), C.A. [1996] 2 Cr.App.R. 514

Retirement to consider verdict

Juror's allegations about attitudes and reactions of other jurors—Whether court having jurisdiction to investigate allegations—Contempt of Court Act 1981, s. 8
Reg. v. Miah, C.A. [1997] 2 Cr.App.R. 12

Jurors sending note to judge alleging inability to decide case due to "conscious beliefs"—Judge discharging jury and dealing with question of contempt—Whether appropriate procedure followed—Whether juror to be found guilty of contempt in such circumstances—Juries Act 1974, s. 9(4)—Contempt of Court Act 1981, s. 8(1)
Reg. v. Schot, C.A. [1997] 2 Cr.App.R. 383

Tape-recording of victim's emergency telephone call—Transcript read in evidence—Whether jury entitled to hear recording after retirement

Reg. v. Hagan, C.A. [1997] 1 Cr.App.R. 464

Practice*Acquittal*

Attorney-General's reference—Limited to point of law arising in trial—Criminal Justice Act 1972, s. 36(1) **Attorney-General's Reference (No. 3 of 1994)**, H.L.(E.) [1997] 3 W.L.R. 421

Judge, change of

Counts in fraud indictment severed at preparatory hearing—Judge presiding over defendant's first trial appointed to Court of Appeal—Lord Chancellor requesting judge to hear trial to conclusion—Whether trial of outstanding counts ancillary matter relating to first trial—Whether Lord Chancellor's decision not to request judge to preside over trial of remaining counts amenable to judicial review—Supreme Court Act 1981, s. 9

Reg. v. Lord Chancellor, Ex parte Maxwell, D.C. [1997] 1 W.L.R. 104

Legal aid

Defendant acting in person—Legal aid order amended to permit assistance of solicitor's clerk during trial—Whether permissible—Legal Aid in Criminal and Care Proceedings (General) Regulations 1989, regs. 44, 50(1) **Reg. v. Mills (Brett)**, C.A. [1997] 2 Cr.App.R. 206

Persons in custody

Access to solicitor—Person arrested under anti-terrorist legislation in Northern Ireland—Right to consult solicitor when in police custody—Whether extending to police interviews—Prevention of Terrorism (Temporary Provisions) Act 1989, s. 14

Reg. v. Chief Constable of the Royal Ulster Constabulary, Ex parte Begley, H.L.(N.I.) [1997] 1 W.L.R. 1475

Previous convictions or antecedents

Provision of information to court and parties

Practice Direction (Crime: Antecedents) (No. 2), Supreme Court [1997] 1 W.L.R. 1482

CRIME—continued**Practice—continued***Prosecution of offences*

Decision by police to administer caution—Offender told that acceptance of caution amounting to admission of offence—Whether admission vitiated by offer not to prosecute—Whether caution to be quashed

Reg. v. Commissioner of Police of the Metropolis, Ex parte Thompson,
D.C. [1997] 1 W.L.R. 1519

Young offender see **CHILDREN: Juvenile offender**

Public order*Affray*

Prosecution relying on incidents outside house—Judge referring to events inside and outside house—Whether conduct alleged to constitute affray falling into separate sequences—Whether jury to be directed only to convict if unanimous as to same sequence

Reg. v. Smith (Christopher), C.A. [1997] 1 Cr.App.R. 14

Trespassory assembly

Order in force prohibiting trespassory assemblies—Peaceful, non-obstructive assembly on highway—Extent of public's rights of access to highway—Whether assembly trespassory—Public Order Act 1986, ss. 14A, 14B(2) (as inserted by Criminal Justice and Public Order Act 1994, s. 70)

Director of Public Prosecutions v. Jones (Margaret), D.C. [1997] 2 W.L.R. 578

Robbery*Alternative offence*

Judge failing to direct jury to consider robbery and handling as alternative offences—Jury returning guilty verdict on count of handling before count of robbery—Jury then directed to give verdict on robbery count before handling count—Whether conviction for robbery to be quashed

Reg. v. Fernandez, C.A. [1997] 1 Cr.App.R. 123

Sentence*Imprisonment*

Reduction of term by periods spent on remand in custody—"Relevant period"—Whether to be deducted from individual elements of consecutive sentences—Criminal Justice Act 1967 (as amended by Police and Criminal Evidence Act 1984, s. 49), ss. 67(1)(1A), 104(2)

Reg. v. Secretary of State for the Home Department, Ex parte Naughton,
D.C. [1997] 1 W.L.R. 118

Reduction of term by periods spent on remand in custody—"Relevant period"—Whether to be deducted from individual elements of concurrent sentences—Criminal Justice Act 1967 (as amended by Police and Criminal Evidence Act 1984, s. 49), ss. 67(1)(1A), 104(2)—Criminal Justice Act 1991, ss. 41, 51(2)

Reg. v. Governor of Brockhill Prison, Ex parte Evans,
D.C. [1997] Q.B. 443; [1997] 2 W.L.R. 236

Sexual offences*Indecent assault*

Evidence—Application to cross-examine witness as to complainant's sexual experience—Whether questions relevant to issues—Whether application to be supported by reasonable grounds—Sexual Offences (Amendment) Act 1976, s. 2

Reg. v. Howes, C.A. [1996] 2 Cr.App.R. 490

Rape

D.N.A. evidence—Whether sufficient to establish guilt in absence of other evidence—Admissibility of statistical method of analysis

Reg. v. Adams (Denis), C.A. [1996] 2 Cr.App.R. 467

Summing up*Defendant's character*

Defendant of good character—Direction to jury—Whether particular form of words mandatory

Reg. v. Miah, C.A. [1997] 2 Cr.App.R. 12

Judge's direction

Judge directing jury to convict if defendant's statement accepted—Whether misdirection—Judge failing to direct jury to consider two counts of murder separately—Whether substantial miscarriage of justice—Judge referring to revenge theory advanced by prosecuting counsel in address to jury—No prior notice to counsel of intention—Whether defendant deprived of fair trial—Judicature (Appellate Jurisdiction) Act, s. 14(1)—Jamaica

Williams (Kervin) v. The Queen, P.C. [1997] A.C. 624; [1997] 2 W.L.R. 910

CRIME—continued**Theft***Dishonest appropriation*

Conspiracy to steal—Gifts of money made by elderly donor—Whether donor mentally incapacitated—Whether donees' appropriation of alleged gifts dishonest—Theft Act 1968, ss. 1(1), 3(1) **Reg. v. Kendrick**, C.A. [1997] 2 Cr.App.R. 524

Defendant franchising to agents—Agents depositing bills of exchange for 180 days—Bills to be held as security and after 180-day period presented for payment—Proceeds to be immediately recredited to agents—Defendant discounting bills within 180-day period and agents losing money—Whether bills of exchange belonging to defendant or agents—Whether defendant having intention permanently to deprive agents—Theft Act 1968, ss. 5(3), 6(1) **Reg. v. Arnold (Lyndon)**, C.A. [1997] 4 All E.R. 1

Defendant instructing bank by faxed letters and cheque to transfer funds belonging to charity to himself—Transfer made accordingly—Whether "property" identified—Whether property stolen—Whether theft of chose in action **Reg. v. Hilton**, C.A. [1997] 2 Cr.App.R. 445

Gift

Alleged gifts from elderly employer to maid—Mental capacity of employer—Whether direction to jury as to whether donor having mental capacity to make gifts **Reg. v. Mazon**, C.A. [1997] 2 Cr.App.R. 518

Handling stolen goods

Money alleged to have been stolen from company—Defendant alleged to have assisted in disposal abroad—Whether continuing offence—Whether property representing stolen goods—Whether shutting eyes to obvious constituting "belief"—Theft Act 1968, s. 24(2) **Reg. v. Forsyth**, C.A. [1997] 2 Cr.App.R. 299

Wireless telegraphy*Illicit radio transmissions*

Using station for wireless telegraphy without licence—Whether absolute offence—Wireless Telegraphy Act 1949, s. 1(1) (as amended by Broadcasting Act 1990, s. 180(1), Sch. 18, Pt. I, para. 1(2)) **Reg. v. Blake**, C.A. [1997] 1 W.L.R. 1167

CROWN COURT**Practice**

Judge, change of see **CRIME**

DAMAGES**Assessment by jury***Categories of awards*

Jury awarding compensatory, aggravated and exemplary damages for false imprisonment and malicious prosecution—Whether awards reasonable—Judge to give appropriate guidance **Thompson v. Comr. of Police of the Metropolis**, C.A. [1997] 3 W.L.R. 403

Contract

Breach see **CONTRACT: Procuring breach**

Exemplary see **Assessment by jury: Categories of awards**

Malicious prosecution see **Assessment by jury: Categories of awards**

Measure of damages*Misrepresentation*

Sale of business premises as going concern—Misrepresentation of trading profits—Business failing to generate projected profits for purchasers—Fall in property market—Business sold at substantial loss—Whether all purchasers' losses arising from misrepresentation—Whether relevant to consider purchasers' likely course of action if true trading figures disclosed **Downs v. Chappell**, C.A. [1997] 1 W.L.R. 426

Surveyor's report

Negligent failure to disclose defects—Property purchased in reliance on report—Landlord subsequently remedying defects at own expense—Whether purchaser only entitled to nominal damages—Whether repair by landlord too remote **Gardner v. Marsh & Parsons**, C.A. [1997] 1 W.L.R. 489

DAMAGES—continued**Personal injuries***Future loss and expenses*

Assessment—Whether to be calculated on basis of prudent investment—Whether to be calculated by reference to investment in index-linked government securities

Wells v. Wells, C.A. [1997] 1 W.L.R. 652

Loss of pension rights

Employee injured in course of employment—Incapacity pension consisting of periodical payments and lump sum—Whether deductible from award for loss of retirement pension

Longden v. British Coal Corporation, H.L.(E.) [1997] 3 W.L.R. 1336

Sale of goods*Measure of damages*

Seller in breach of warranty supplying goods with latent defect—Buyer incorporating goods in product for onward sale—Discovery of defect by end-users—Whether prima facie measure of damages to be applied so as to entitle buyer to market value of goods—Whether seller able to displace prima facie measure—Sale of Goods Act 1979, s. 53(3)

Bence Graphics International Ltd. v. Fasson U.K. Ltd., C.A. [1997] 3 W.L.R. 205

DEFAMATION**Pleadings***Defamatory meaning*

Publication of words regarding physical appearance of plaintiff—Plaintiff claiming that words meant he was “hideously ugly”—Whether meaning pleaded capable of being defamatory

Berkoff v. Burchill, C.A. [1996] 4 All E.R. 1008

Privilege*Qualified*

Newspaper article referring to proceedings of special inquiry set up in Ghana to inquire into murder of three High Court judges—Special inquiry naming plaintiff as conspirator—Whether paragraph in article “report” and “fair and accurate”—Whether report of special inquiry “proceedings in public”—Whether publication “not of public concern and . . . not for the public benefit”—Defamation Act 1952, s. 7(1)(3), Sch., para. 5

Tsikata v. Newspaper Publishing Plc., C.A. [1997] 1 All E.R. 655

DISCRIMINATION, RACE**Compensation***Assessment*

Applicant receiving invalidity benefit—Whether deductible from award for loss of earnings—Race Relations Act 1976, s. 56

Chan v. Hackney London Borough Council, E.A.T. [1997] I.C.R. 1014

Finding of unlawful racial discrimination by employers and fellow employees—Compensatory awards of £20,000 for injury to feelings and £7,500 aggravated damages—Whether excessive—Whether separate awards against individual fellow employees appropriate

Prison Service v. Johnson, E.A.T. [1997] I.C.R. 275

Employment see also EMPLOYMENT: Dismissal: Discriminatory act*Dismissal*

Complaint of unfair dismissal upheld—Whether inferences of less favourable treatment and racial discrimination to be drawn from employer’s unreasonable conduct—Race Relations Act 1976, s. 1(1)(a)

Glasgow City Council v. Zafar, H.L.(Sc.) [1997] 1 W.L.R. 1659

Harassment of employee

Fellow employees verbally and physically abusing employee—Whether acts done “in the course of . . . employment”—Whether employer liable—Race Relations Act 1976, ss. 1(1)(a), 4(2)(c), 32(1)

Jones v. Tower Boot Co. Ltd., C.A. [1997] I.C.R. 254

Waitresses subjected to racial harassment by after-dinner speaker—Whether employers “subjecting” them to detriment—Race Relations Act 1976, ss. 1(1)(a), 4(2)(c)

Burton v. De Vere Hotels Ltd., E.A.T. [1997] I.C.R. 1

Provision of goods, facilities or services*Police*

Police officers allegedly treating plaintiff less favourably on racial grounds than other persons in provision of services—Whether unlawful racial discrimination—Whether chief officer of police vicariously liable—Whether claim to be struck out—Police Act 1964, s. 48(1)—Race Relations Act 1976, ss. 20, 32, 53(1), 57(1)

Farah v. Comr. of Police of the Metropolis, C.A. [1997] 2 W.L.R. 824

DISCRIMINATION, RACE—continued**Trade organisation***Victimisation*

Applicant complaining of victimisation by union and officials following resignation—Whether unlawful discrimination—Race Relations Act 1976, ss. 11(2)(3), 33

Diakou v. Islington Unison "A" Branch, E.A.T. [1997] I.C.R. 121

DISCRIMINATION, SEX**Employment***Compensation*

Applicant terminating pregnancy to avoid discharge from armed forces—Whether medical sanction of termination intervening act

Ministry of Defence v. Pope, E.A.T. [1997] I.C.R. 296

Applicants members of armed forces undergoing termination of pregnancy—Assessment of compensation for injury to feelings

Ministry of Defence v. O'Hare (No. 2), E.A.T. [1997] I.C.R. 306

Discrimination by bodies other than employers

Applicant refused membership of federation of self-employed and small businesses—Whether "organisation of employers"—Sex Discrimination Act 1975, s. 12(1)

National Federation of Self-Employed and Small Businesses Ltd. v. Philpott, E.A.T. [1997] I.C.R. 518

Teacher at Catholic school dismissed following pregnancy by priest—Finding of dismissal on ground of circumstances surrounding pregnancy—Whether dismissal on ground of pregnancy—Whether unlawful discrimination—Sex Discrimination Act 1975, s. 1(1)(a)

O'Neill v. Governors of St. Thomas More Roman Catholic Voluntarily Aided Upper School, E.A.T. [1997] I.C.R. 33

Genuine occupational qualification

Man applying for job in women's health club—Application rejected on ground of sex—Whether genuine occupational qualification exception applicable—Sex Discrimination Act 1975, s. 7

Lasertop Ltd. v. Webster, E.A.T. [1997] I.C.R. 828

Requirement or condition

Qualifying period of two years' employment for unfair dismissal claim—Whether discriminatory—Whether declaration of incompatibility with Community law appropriate—Whether compensation for unfair dismissal "pay"—Employment Protection (Consolidation) Act 1978, s. 64(1)(a) (as amended by Unfair Dismissal (Variation of Qualifying Period) Order 1985 and Trade Union and Labour Relations (Consolidation) Act 1992, Sch. 1)—E.C. Treaty, art. 119—Council Directive (76/207/E.E.C.), arts. 2(1), 5

Reg. v. Secretary of State for Employment, Ex parte Seymour-Smith, H.L.(E.) [1997] 1 W.L.R. 473; [1997] I.C.R. 371

Victimisation

Alleged sexual assault by fellow employee when off duty reported to employer—Complainant's special work status subsequently removed—Whether victimisation by employer—Whether assault in "course of employment"—Sex Discrimination Act 1975, ss. 4(1)(d), 6(2), 41(1)

Waters v. Comr. of Police of the Metropolis, C.A. [1997] I.C.R. 1073

Equal pay*Maternity leave*

Employee on maternity leave not receiving normal wages in lieu of notice—Whether discrimination on ground of sex—Employment Protection (Consolidation) Act 1978, s. 122 (as amended by Insolvency Act 1985, s. 218 and Employment Act 1990, Sch. 2, para. 1(4)), Sch. 3, para. 2(1)(b)—E.E.C. Treaty, art. 119

Clark v. Secretary of State for Employment, C.A. [1997] I.C.R. 64

Pension scheme

Part-time employees' retrospective claims time-barred and restricted by national legislation—Whether legislation compatible with Community law—Equal Pay Act 1970, s. 2(4)(5) (as modified by Occupational Pension Schemes (Equal Access to Membership) Regulations 1976, reg. 12)—E.C. Treaty, art. 119—Council Directive (75/117/E.E.C.), art. 1

Preston v. Wolverhampton Healthcare N.H.S. Trust, C.A. [1997] I.C.R. 899

Severance payment

Employee with 11 years' full-time service returning part-time after maternity leave—Scheme basing severance payment solely on termination salary—Whether discriminatory—Whether variation due to material difference other than sex—Equal Pay Act 1970, s. 1(1)(2)(b)(3) (as amended by Sex Discrimination Act 1975, s. 8 and Equal Pay (Amendment) Regulations 1983, reg. 2(1))—E.E.C. Treaty, art. 119

Barry v. Midland Bank Plc., E.A.T. [1997] I.C.R. 192

DISCRIMINATION, SEX—continued**Equal pay—continued**

Variation due to material difference see Severance payment

EDUCATION**Local education authority***Duty to make special educational provision*

Authority declining to make statement of special educational needs in respect of child with learning difficulties—Child subject of care order in favour of local authority—Foster parent appealing to tribunal—Whether foster parent having right to appeal as “parent” to High Court against decision of tribunal—Education Act 1944, s. 114(1D)—Tribunals and Inquiries Act 1992, s. 11(1)—Education Act 1993, s. 169

Fairpo v. Humberside County Council, Laws J. [1997] 1 All E.R. 183

Child unable to attend school due to illness—Reduction in amount of home tuition as result of reduction of central government funding—Whether education authority entitled to take cost of arrangements and resources into account—Whether “efficient education suitable” to child—Education Act 1993, s. 298(1)(7)

Reg. v. East Sussex County Council, *Ex parte Tandy*, C.A. [1997] 3 W.L.R. 884

Higher education grants

Discretionary awards—Whether award to be made in respect of part of course only—Relevant factors in considering application—Education Act 1962, s. 1(6)—Education (Mandatory Awards) Regulations, regs. 7, 15

Reg. v. Shropshire County Council, *Ex parte Jones*, Carnwath J. (1996) 95 L.G.R. 391

Special Educational Needs Tribunal see Special Educational Needs Tribunal

Special Educational Needs Tribunal*Adjournment*

Autistic child with special educational needs—Local education authority naming school in England—Parent preferring more expensive school abroad—Private benefactor's offer to part-fund foreign school fees equalising cost—Authority continuing to favour English school—Parent appealing to tribunal—Both solicitor and expert witness suddenly unable to appear at hearing—Tribunal refusing parent's request for adjournment—Whether proper exercise of tribunal's power to adjourn—Education Act 1993, ss. 164(1)(3), 170(3)(4)—Special Educational Needs Tribunal Regulations 1994, regs. 11(3), 25(5)

Reg. v. Cheshire County Council, *Ex parte C.*, Sedley J. (1996) 95 L.G.R. 299

Teacher training*School's delegated budget share*

School teachers to be paid from school's budget share for provision of teacher training—Whether initial teacher training provided for purposes of school—Whether payment from school's budget lawful—Education Reform Act 1988, s. 36(5)(5A)—Education Act 1994, s. 12

Reg. v. Department for Education and Employment, *Ex parte National Association of Head Teachers*, Hidden J. (1996) 95 L.G.R. 683

EMPLOYMENT**Contract of employment***Change in employment*

Extra duties outside contractual working hours imposed on employee by local authority without remuneration—Employee protesting but performing duties—Whether contract varied—Whether employee entitled to contractual remuneration for overtime

Ostle v. Alnwick Town Council, C.A. (1996) 95 L.G.R. 437

Collective agreement

Hospital trust and unions negotiating reduction in wages to assist competitive tender—Whether collective agreement—Whether new terms incorporated into employees' contracts

Burke v. Royal Liverpool University Hospital N.H.S. Trust, E.A.T. [1997] I.C.R. 730

Implied term

Contract providing for annualised hours with overtime payment at year end—Applicants dismissed before year end—Whether term to be implied for payment for hours worked in excess of basic week—Wages Act 1986, s. 1(1)

Ali v. Christian Salvesen Food Services Ltd., C.A. [1997] I.C.R. 25

Employer in liquidation reputed to have acted fraudulently—Redundant employees proving in liquidation for compensation for loss of employment prospects—Whether employer in breach of implied obligation of good faith—Whether damages for alleged stigma recoverable under contract

Mahmud v. Bank of Credit and Commerce International S.A., H.L.(E.) [1997] 3 W.L.R. 95; [1997] I.C.R. 606

EMPLOYMENT—continued**Contract of employment—continued***Service of, or for services*

Employment agency—Applicant working under temporary contracts—Application to Secretary of State on insolvency of agency—Whether applicant “employee”—Employment Protection (Consolidation) Act 1978, ss. 122, 153(1)

McMeechan v. Secretary of State for Employment, C.A. [1997] I.C.R. 549

Stewardess of golf club providing catering service—Contract expressed to be one of employment—Stewardess in control of prices, responsible for engaging and paying catering staff, and in receipt of catering income—Whether employed or self-employed—Income and Corporation Taxes Act 1988, ss. 18, 19

McManus v. Griffiths, Lightman J. (1997) T.C. Leaflet No. 3529

Sick pay benefit scheme

Scheme terminable by employer “without prior notice”—Employer ceasing to pay insurance premiums without notice to members—Employee subsequently developing industrial dermatitis and receiving benefit—Employee informed of termination of scheme only after dismissal for redundancy—Whether entitled to continue to benefit from scheme

Bainbridge v. Circuit Foil (U.K.) Ltd., C.A. [1997] I.C.R. 541

Termination

Applicant accepting offer and receiving particulars of employment—Offer withdrawn before applicant starting work—Whether “contract of employment”—Claim for breach of contract—Whether arising or outstanding on “termination of the employee’s employment”—Employment Protection (Consolidation) Act 1978, s. 131(2)—Industrial Tribunals (Extension of Jurisdiction) (England and Wales) Order 1994, art. 3(c)

Sarker v. South Tees Acute Hospitals N.H.S. Trust, E.A.T. [1997] I.C.R. 673

Employer’s insolvency*Debt due to employee*

Outstanding loan from employer to employee—Whether to be set off against employer’s indebtedness to employee—Employment Protection (Consolidation) Act 1978, s. 122(1) (as amended by Insolvency Act 1985, s. 218)—Insolvency Rules 1986, r. 4.90

Secretary of State for Employment v. Wilson, E.A.T. [1997] I.C.R. 408

Partnership

Employer partnership comprising two partners ceasing to trade—One partner adjudged bankrupt—Employee applying to Secretary of State—Whether “employer . . . insolvent”—Employment Protection (Consolidation) Act 1978, ss. 122(1), 127(1) (as amended by Insolvency Act 1985, Sch. 8, para. 31(5))

Secretary of State for Trade and Industry v. Forde, E.A.T. [1997] I.C.R. 231

Protective award

Application to Secretary of State for payment—Secretary of State making deductions and applying statutory limitations—Whether contrary to Community law—Employment Protection (Consolidation) Act 1978, s. 122 (as amended by Insolvency Act 1985, s. 218 and Employment Protection (Variation of Limits) Order 1992)—Trade Union and Labour Relations (Consolidation) Act 1992, ss. 189, 190(3)—Council Directive (80/987/E.E.C.), arts. 3, 4

Secretary of State for Employment v. Mann, C.A. [1997] I.C.R. 209

Maternity rights*Absence due to pregnancy*

Applicant suffering from pregnancy-related illness—Postponement of return to work—Employers refusing further postponement—Termination of employment—Whether applicant dismissed—Employment Rights Act 1996, s. 82

Halfpenny v. IGE Medical Systems Ltd., E.A.T. [1997] I.C.R. 1007

Return to work

Applicant giving notice of date of intended return to work—Applicant delivering sick note to place of work on notified day—Employer subsequently claiming failure by applicant to return to work—Whether applicant unfairly dismissed—Employment Protection (Consolidation) Act 1978, ss. 33, 45(1), 47(1)(5), 55, 56 (as amended by Employment Act 1980, s. 11, Sch. 2 and Social Security Act 1986, Schs. 10, 11)

Kwik Save Stores Ltd. v. Greaves, E.A.T. [1997] I.C.R. 629

Redundancy see also Unfair dismissal: Redundancy*Fixed term contract*

Employee employed on successive fixed term contracts—Waiver clause excluding redundancy claim in all contracts—Original but not final term more than two years—Whether waiver effective—Employment Rights Act 1996, s. 197(3)(5)

Housing Services Agency v. Cragg, E.A.T. [1997] I.C.R. 1050

EMPLOYMENT—continued**Redundancy—continued***Fixed term contract—continued*

- Lecturers employed under successive fixed term contracts expiring at end of academic term—Whether “dismissed by reason of redundancy” on expiry of contract—Employment Protection (Consolidation) Act 1978, ss. 55(2)(b), 81(2)(b), Sch. 13, para. 9(1)(b)
Pfaffinger v. City of Liverpool Community College, E.A.T. [1997] I.C.R. 142

Transfer of undertaking*Effect of transfer*

- Employee dismissed four months before transfer—Complaints of unfair dismissal and race discrimination one month before transfer—Whether transferor’s contingent liability transferring to transferee—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 5—Council Directive (77/187/E.E.C.), art. 3
Tsangacos v. Amalgamated Chemicals Ltd., E.A.T. [1997] I.C.R. 154

- Employees dismissed by transferor before transfer not told identity of transferee—Whether transferor’s liabilities under employees’ contracts of employment passing to transferee—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 5(1)(2)(4A) (as amended by Trade Union Reform and Employment Rights Act 1993, s. 33(1)(3))—Employment Protection (Consolidation) Act 1978, s. 122(1)
Secretary of State for Trade and Industry v. Cook, E.A.T. [1997] I.C.R. 288

Pension scheme

- Whether transferee bound to provide equivalent pension rights—Whether Directive transposed into United Kingdom law—Council Directive (77/187/E.E.C.), art. 3(1)(3)—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 7
Adams v. Lancashire County Council, C.A. [1997] I.C.R. 834

Unfair dismissal

- Employees resigning in anticipation of transfer—Complaints of pressure to resign, and unfair dismissal—Whether employers liable—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 5(2)(4B) (as inserted by Trade Union Reform and Employment Rights Act 1993, s. 33(4))
P. & O. Property Holdings Ltd. v. Allen, E.A.T. [1997] I.C.R. 436

- Employees without two years’ continuous employment dismissed for reason connected with transfer—Whether precluded from complaining of unfair dismissal—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 8(1)—Employment Protection (Consolidation) Act 1978, s. 64(1)(a) (as amended by Trade Union and Labour Relations (Consolidation) Act 1992, Sch. 1 and Unfair Dismissal (Variation of Qualifying Period) Order 1985—Council Directive (77/187/E.E.C.), art. 4(1)
M.R.S. Environmental Services Ltd. v. Marsh, C.A. [1997] I.C.R. 995

“United Kingdom”

- Applicants working on flotels on continental shelf—Whether undertaking situated in United Kingdom—Whether flotel “ship”—Employment Protection (Consolidation) Act 1978, ss. 137(2), 141(2)—Transfer of Undertakings (Protection of Employment) Regulations 1981, regs. 2(2), 3(1)—Council Directive (77/187/E.E.C.), art. 1(2)(3)
Addison v. Denholm Ship Management (U.K.) Ltd., E.A.T.(Sc.) [1997] I.C.R. 770

Whether relevant transfer

- Cleaning contract with one undertaking terminated and contract awarded to another undertaking—No transfer of assets between undertakings—Whether “transfer of an undertaking, business or part of a business”—Council Directive (77/187/E.E.C.), art. 1(1)
Süzen v. Zehnacker Gebäudereinigung G.m.b.H. Krankenhauservice (Case C-13/95), E.C.J. [1997] I.C.R. 662

- Dealership discontinued and activities transferred—Some staff but no assets transferred—Whether “transfer of an undertaking”—Whether employee precluded from objecting to being transferred—Council Directive (77/187/E.E.C.), arts. 1(1), 3(1), 4(2)
Merckx v. Ford Motors Co. (Belgium) S.A. (Case C-171/94), E.C.J. [1997] I.C.R. 352

- Provision of helicopter services to oil rigs—New contract awarded to competitor—No equipment or employees transferred—Whether “transfer . . . of an undertaking”—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 3(1)—Council Directive (77/187/E.E.C.), art. 1(1)
Betts v. Brintel Helicopters Ltd., C.A. [1997] I.C.R. 792

EMPLOYMENT—continued**Transfer of undertaking—continued***Whether relevant transfer—continued*

Teacher employed by local authority at middle school—Whether working for school governing body—Whether school economic entity capable of transfer—Middle and first schools replaced by primary school—Whether relevant transfer—Transfer of Undertakings (Protection of Employment) Regulations 1981, regs. 2(1), 3(1)

Governing Body of Clifton Middle School v. Askew, E.A.T. [1997] I.C.R. 808

Transfer of administrative functions between public administrative authorities—Whether “transfer of an undertaking, business or part of a business”—Council Directive (77/187/E.E.C.), art. 1(1)

Henke v. Gemeinde Schierke (Case C-298/94), E.C.J. [1997] I.C.R. 746

Unfair dismissal*Compensation**Apportionment of blame*

Dismissals for engaging in industrial action—Re-engagement of some employees—Whether participation in industrial action to be taken into account—Whether conduct contributing to failure to re-engage relevant—Employment Protection (Consolidation) Act 1978, ss. 62 (as amended by Employment Act 1982, s. 9, Sch. 3, para. 18, Sch. 4), 73(7B) (as inserted by Employment Act 1980, s. 9), 74(6)

Tracey v. Crosville Wales Ltd., H.L.(E.) [1997] 3 W.L.R. 800; [1997] I.C.R. 862

Assessment

Applicant receiving invalidity benefit—Whether benefit deductible from compensatory award—Employment Protection (Consolidation) Act 1978, s. 74(1)

Rubenstein v. McGloughlin, E.A.T. [1997] I.C.R. 318

Redundancy selection procedure flawed—Finding of 50 per cent. chance of dismissal in any event—Whether percentage reduction to be made before or after deduction of employers' severance payment—Employment Protection (Consolidation) Act 1978, s. 74

Digital Equipment Co. Ltd. v. Clements (No. 2), E.A.T. [1997] I.C.R. 237

*Complaint**Agreement to settle claim*

Complaint also alleging breach of contract—Findings of unfair dismissal and contributory fault—Parties negotiating compensation—Whether any agreement void—Employment Protection (Consolidation) Act 1978, s. 140(1)(2)(fa) (as inserted by Trade Union Reform and Employment Rights Act 1993, Sch. 8, para. 21)

Carter v. Reiner Moritz Associates Ltd., E.A.T. [1997] I.C.R. 881

*Dismissed**Fixed term contract*

Contract excluding unfair dismissal provisions—Contract not renewed—Whether dismissal consisting only of expiry of term—Employment Rights Act 1996, ss. 95(1), 197(1)

London Underground Ltd. v. Fitzgerald, E.A.T. [1997] I.C.R. 271

Resignation

Employee accepting early retirement—Finding in county court proceedings that retirement not induced by duress—Whether precluding finding of dismissal on complaint of unfair dismissal

Jones v. Mid-Glamorgan County Council, E.A.T. [1997] I.C.R. 417
C.A. [1997] I.C.R. 815

Excluded classes

Work outside Great Britain *see* **Transfer of undertaking**; “United Kingdom”

*Reasonableness of dismissal**Burden of proof*

Tribunal finding no prima facie case of reasonableness and upholding complaint on employer's evidence alone—Whether error of law—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Act 1980, s. 6)

Hackney London Borough Council v. Usher, E.A.T. [1997] I.C.R. 705

Misconduct

Decision to dismiss based on employee's admissions—Whether reasonableness of investigation relevant—Correct approach in determining reasonableness of dismissal—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Act 1980, s. 6)

Boys and Girls Welfare Society v. Macdonald, E.A.T. [1997] I.C.R. 693

EMPLOYMENT—*continued***Unfair dismissal**—*continued**Redundancy*

Dismissal on ground of redundancy

Applicant dismissed following reorganisation—Whether cessation or diminution of work—Relevance of terms of applicant's contract—Employment Protection (Consolidation) Act 1978, s. 81(2)(b) **Safeway Stores Plc. v. Burrell**, E.A.T. [1997] I.C.R. 523

Offer of alternative employment

Employee accepting and continuing to work in alternative employment—Complaint of unfair dismissal—Whether dismissal to be disregarded—Employment Protection (Consolidation) Act 1978, s. 84(1)(4)

Jones v. Governing Body of Burdett Coutts School, E.A.T. [1997] I.C.R. 390

Hospital employee offered redundancy or post at another hospital—Employee's change of mind after accepting but before commencing new post—Whether dismissed for redundancy—Employment Protection (Consolidation) Act 1978, ss. 83(2), 84

East Suffolk Local Health Services N.H.S. Trust v. Palmer, E.A.T. [1997] I.C.R. 425

Selection for redundancy

Failure to consult employee prior to dismissal—Whether dismissal unfair

Mugford v. Midland Bank Plc., E.A.T. [1997] I.C.R. 399

Procedure agreed some years earlier with staff association not operating—Whether "agreed procedure"—Whether "special reasons" for departing from procedure—Whether procedure carried out selection for redundancy or consideration for alternative employment—Employment Protection (Consolidation) Act 1978, ss. 59(b), 81(2)(b)

Ball v. Balfour Kilpatrick Ltd., E.A.T. [1997] I.C.R. 740

Statutory right, assertion of

Unauthorised deduction from wages

Employer seeking to impose new contract entitling deduction of training costs—Dismissal following employee's refusal to accept—Whether infringement of statutory right—Whether unfair dismissal—Employment Protection (Consolidation) Act 1978, s. 60A (as inserted by Trade Union Reform and Employment Rights Act 1993, s.29)—Wages Act 1986, ss. 1(1), 5(1)

Mennell v. Newell & Wright (Transport Contractors) Ltd., C.A. [1997] I.C.R. 1039

Wages*"Remuneration"*

Waiters' tips included in customers' cheque and credit card payments—Employer paying appropriate amount to waiters with wages—Whether "remuneration" for purposes of minimum wage—Wages Act 1986, ss. 16, 17

Nerva v. R.L. & G. Ltd., C.A. [1997] I.C.R. 11

ESTOPPEL**Per rem judicatum***Issue estoppel*

Children's cases—Finding of sexual abuse made against father in previous care proceedings—Whether binding in subsequent care proceedings concerning different children—Whether court having discretion to permit issue to be tried afresh

In re B. (Minors) (Care Proceedings: Issue Estoppel),
Hale J. [1997] Fam. 117; [1997] 3 W.L.R. 1

Default judgment obtained against plaintiff—Plaintiff asserting counterclaim in unsuccessful application to have judgment set aside—Plaintiff subsequently issuing new proceedings against defendant based on issue in counterclaim—Whether res judicata—R.S.C., Ord. 13, r. 9

Mullen v. Conoco Ltd., C.A. [1997] 3 W.L.R. 1032

E.C. Commission decision finding abuse of dominant position by defendants on complaint by plaintiff—Court of First Instance and Court of Justice dismissing defendants' appeals—Whether decision and judgments on appeal admissible or conclusive in English proceedings by plaintiff for damages

Iberian U.K. Ltd. v. B.P.B. Industries Plc., Laddie J. [1997] I.C.R. 164

EUROPEAN COMMUNITY**Breach of Community law***Damages*

Community Directive not transposed into national law within prescribed period—Conditions under which individuals suffering loss entitled to reparation from member state in default—Obligations of member states in relation to indemnity provision—Council Directive (90/314/E.E.C.), art. 7

Dillenkofer v. Federal Republic of Germany
(Joined Cases C-178, 179 and 188-190/94), E.C.J. [1997] Q.B. 259; [1997] 2 W.L.R. 253

Common commercial policy*Quantitative restrictions on exports*

United Nations and Community sanctions—Requirement of Treasury permission for payments for exports of medical goods to Serbia and Montenegro—Refusal of applications for permission on ground that goods exported from country other than United Kingdom—Whether contrary to common commercial policy—Whether justifiable by need to comply with international agreement concluded before accession to E.E.C. Treaty—E.C. Treaty, arts. 113, 234—Council Regulation (E.E.C.) No. 2603/69, arts. 1, 11—Council Regulation (E.E.C.) No. 1432/92, arts. 1, 2(a), 3

Reg. v. H.M. Treasury, Ex parte Centro-Com S.r.l. (Case C-124/95)
E.C.J. [1997] Q.B. 683; [1997] 3 W.L.R. 239

Council Directive*Implementation*

Claim for damages for failure to transpose Council Directive into United Kingdom law—Whether industrial tribunal having jurisdiction

Secretary of State for Employment v. Mann, C.A. [1997] I.C.R. 209

Enforcement against member state—Whether governing body of voluntary-aided school emanation of state—Council Directive (77/187/E.E.C.), arts. 1, 3

National Union of Teachers v. Governing Body of St. Mary's Church of England (Aided) Junior School, C.A. [1997] I.C.R. 334

Validity

Directive on organisation of working time—Whether for protection of workers' health and safety—Proper basis for adoption of Directive—Whether Directive to be annulled wholly or in part—E.C. Treaty, art. 118a—Council Directive (93/104/E.C.), art. 5

United Kingdom of Great Britain and Northern Ireland v. Council of the European Union (supported by Kingdom of Spain, Commission of the European Communities and Kingdom of Belgium, Interveners) (Case C-84/94), E.C.J. [1997] I.C.R. 443

Environment*Birds, special protection areas for*

Criteria to be applied when special protection areas classified and boundaries defined—Whether economic considerations to be taken into account—Council Directive (79/409/E.E.C.), arts. 2, 4(1)(2)—Council Directive (92/43/E.E.C.), art. 6(4)

Reg. v. Secretary of State for the Environment, Ex parte Royal Society for the Protection of Birds (Port of Sheerness Ltd., Intervener) (Case C-44/95), E.C.J. [1997] Q.B. 206; [1997] 2 W.L.R. 123

Free competition*Quantitative restriction*

Chief Constable reducing protection to live animal exporters against demonstrators—Whether Chief Constable's decision discriminatory against exports within Community—Whether measure having effect equivalent to quantitative restriction on exports—Whether effect of civil disturbances affording public policy defence—E.C. Treaty, arts. 34, 36

Reg. v. Chief Constable of Sussex, Ex parte International Trader's Ferry Ltd., C.A. [1997] 3 W.L.R. 132

Restriction or distortion of competition

Parent company selling products through subsidiaries established in member states—Parent and subsidiaries forming single economic unit—Whether competition rules applicable—E.E.C. Treaty, art. 85(1)

Viho Europe B.V. v. Commission of the European Communities (Case C-73/95P), E.C.J. [1997] I.C.R. 130

Free movement of workers*Employment*

Right of non-member state spouse to work in member state of husband—Whether arising where husband never having worked in another member state—Council Regulation (E.E.C.) No. 1612/68, art. 11

Uecker v. Land Nordrhein-Westfalen (Case C-64/96), E.C.J. [1997] I.C.R. 1025

EUROPEAN COMMUNITY—continued**Freedom of movement***Right to reside*

National of member state told by Secretary of State to make arrangements to leave United Kingdom—Whether “required . . . to leave”—Whether losing entitlement to income support—Income Support (General) Regulations 1987, reg. 21(3)(h)

Chief Adjudication Officer v. Wolke, H.L.(E.) [1997] 1 W.L.R. 1640

Judgment*Recognition in other contracting states*

Defendant unaware of commencement of proceedings—Lawyers appearing for defendant without authority—Whether judgment against defendant capable of recognition—Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968 (as amended), art. 27(2)

Hendrikman v. Magenta Druck & Verlag G.m.b.H. (Case C-78/95), E.C.J. [1997] Q.B. 426; [1997] 2 W.L.R. 349

Social security*Equal treatment provisions for men and women*

Benefit initially refused to woman claimant—Arrears of benefit ordered after finding of unjustified sex discrimination—Whether claimant entitled to interest on arrears—Liability of state to make reparation for loss caused by breach of Community law—Council Directive (79/7/E.E.C.), art. 6

Reg. v. Secretary of State for Social Security, Ex parte Sutton (Case C-66/95), E.C.J. [1997] I.C.R. 961

Local authority concessionary travel scheme pursuant to statutory power—Scheme applying to men over 65 and women over 60 and others—Whether within social security equal treatment provisions—Transport Act 1985, s. 93—Council Directive (79/7/E.E.C.), art. 3(1)

Atkins v. Wrekin District Council (Case C-228/94), E.C.J. [1997] I.C.R. 75

Unemployment benefit

Allowance for unemployed persons aged over 52 years—Entitlement dependent on 15 years' pension contributions—Whether contrary to Community law—Relevant national contributions paid on claimant's behalf for less than one year—Whether contributions in other member states to be taken into account—Council Regulation (E.E.C.) No. 1408/71, arts. 48(1), 67—E.C. Treaty, arts. 48, 51

Martínez Losada v. Instituto Nacional de Empleo (Case C-88/95), E.C.J. [1997] I.C.R. 1100

EUROPEAN COURT OF JUSTICE**Appeal to***Jurisdiction*

Pleas in appeal not specifying alleged flaws in judgment challenged—Whether admissible—Statute of the Court of Justice of the E.C. (E.C. Treaty, Protocol No. (B)), art. 49—Rules of Procedure of the Court of Justice, art. 112(1)(c)

Viho Europe B.V. v. Commission of the European Communities (Case C-73/95P), E.C.J. [1997] I.C.R. 130

EVIDENCE**Conviction as evidence in civil proceedings***Spent conviction*

Credibility of parties in civil proceedings—Whether evidence of spent convictions admissible when relevant to credit—Rehabilitation of Offenders Act 1974, ss. 4(1), 7(3)

Thomas v. Comr. of Police of the Metropolis, C.A. [1997] Q.B. 813; [1997] 2 W.L.R. 593

Foreign tribunal, for*Jurisdiction of English court*

Letters of request—Allegations of bribery of and illicit payments to politicians—Request to obtain documents from United Kingdom company—Investigation by Serious Fraud Office—Whether request too widely framed—Whether search warrant properly sought and issued—Whether “political offence”—Criminal Justice Act 1987 (as amended by Criminal Justice and Public Order Act 1994, s. 164(2)), s. 2(1B)(3)(4)—Criminal Justice (International Co-operation) Act 1990 (as amended by Criminal Justice and Public Order Act 1994, s. 164(1)), s. 4(2A)—European Convention on Mutual Assistance in Criminal Matters 1959 ((1992) (Cm. 1928)), art. 2

Reg. v. Secretary of State for the Home Department, Ex parte Fininvest S.p.A., D.C. [1997] 1 W.L.R. 743

EVIDENCE—continued**Judicial notice***Similar facts*

Council in breach of undertaking to repair property occupied by tenant—Enforcement of undertaking—Whether council's past breaches of undertakings to be taken into account—Whether judge entitled to take judicial notice of previous breaches

Mullen v. Hackney London Borough Council, C.A. [1997] 1 W.L.R. 1103

Public interest immunity*Police informer*

Disclosure of identity—Action to recover money owed for supply of information—Whether informer entitled to reveal identity—Whether public interest immunity applicable

Savage v. Chief Constable of Hampshire, C.A. [1997] 1 W.L.R. 1061

EXECUTION**Equitable execution***Receiver*

Bank obtaining judgment on guarantee and appointing receiver in respect of indemnity—Parties wishing to settle related New York action but receiver refusing to approve proposed settlement—Receiver's refusal increasing parties' legal costs—Whether court having jurisdiction to require cross-undertaking in damages from bank for losses caused by appointment of receiver—Supreme Court Act 1981, s. 37(1)(2)

Allied Irish Bank v. Ashford Hotels Ltd., C.A. [1997] 3 All E.R. 309

EXTRADITION**Committal proceedings***Evidence*

Computer printouts forming substance of case against fugitive—Whether admissible in extradition proceedings—Whether extradition proceedings criminal proceedings—Police and Criminal Evidence Act 1984, ss. 69(1), 78(1)—Extradition Act 1989, s. 9(2), Sch. 1, para. 6(1)

Reg. v. Governor of Brixton Prison, Ex parte Levin, H.L.(E.) [1997] A.C. 741; [1997] 3 W.L.R. 117

Extradition crime*Conspiracy to contravene Theft Act*

Defendants charged with offences of conspiracies to defraud, steal, obtain money by deception and handle stolen goods—Whether conspiracy to defraud or contravene Theft Act 1968 contrary to Criminal Law Act 1977 extradition crime—Extradition Act 1870, Sch. 1—Extradition Act 1989, s. 1(3), Sch. 1, para. 20—United States of America (Extradition) Order 1976, para. 3

Reg. v. Secretary of State for the Home Department, Ex parte Gilmore, D.C. [1997] 2 Cr.App.R. 374

Restriction on return*Arrangement to protect*

Hong Kong Government requesting return of fugitive—Trial to take place after transfer of sovereignty to People's Republic of China—Whether oppressive to order return—Whether Secretary of State taking relevant matters into consideration—Extradition Act 1989, ss. 6(4), 12(1)

Reg. v. Secretary of State for the Home Department, Ex parte Launder, H.L.(E.) [1997] 1 W.L.R. 839

FAIR TRADING**Undertakings to Secretary of State***Enforcement*

Defendant undertaking to divest interest in plaintiff water enterprise and not to acquire further interest—Defendant subsequently entering joint venture to acquire interest in plaintiff—Plaintiff seeking declaration that defendant in breach of undertaking—Whether undertaking enforceable by plaintiff—Whether plaintiff entitled to declaration—Fair Trading Act 1973, ss. 65, 93, 93A (as inserted by Companies Act 1989, s. 148)

Mid Kent Holdings Plc. v. General Utilities Plc., Knox J. [1997] 1 W.L.R. 14

FALSE IMPRISONMENT**Committal for trial***Custody time limit*

Plaintiff committed to Crown Court for trial—Detention beyond prescribed custody time limit—Whether private law action for false imprisonment and breach of statutory duty available—Whether claims to be struck out—Prosecution of Offences Act 1985, s. 22—Prosecution of Offences (Custody Time Limits) Regulations 1987 (as amended by Prosecution of Offences (Custody Time Limits) (Amendment) Regulations 1989, reg. 4 and Prosecution of Offences (Custody Time Limits) (Amendment) Regulations 1991, reg. 2), regs. 5, 6

Olotu v. Home Office, C.A. [1997] 1 W.L.R. 328

FALSE IMPRISONMENT—*continued*

Damages *see* DAMAGES: **Assessment by jury: Categories of awards**

FAMILY PROVISION

Child

Adult son

Husband and wife making identical wills in each other's favour with provision for son in default—Ultimate intention to benefit son—Wife's mistaken belief that wills mutually binding—Husband remarrying after wife's death and making new will solely in favour of second wife—Whether provision for son to be made out of husband's estate—Considerations for grant of order—Inheritance (Provision for Family and Dependents) Act 1975, ss. 2(4), 3(1)(d) *In re Goodchild, decd.*, C.A. [1997] 1 W.L.R. 1216

FATAL ACCIDENTS ACTS

Damages

Widow's and children's dependency

Road traffic accident—Wrongdoer admitting liability for fatal injury to plaintiff's husband—Husband in receipt of social security benefits and undeclared earnings—Claim by widow for undeclared earnings—Whether claimable—Fatal Accidents Act 1976, s. 3
Hunter v. Butler, C.A. [1996] R.T.R. 396

GAMING

Lottery

Money circulation scheme

Commission paid to members by new members on recruitment and by recruits of new members—Whether commission dependent mainly on chance—Whether scheme constituting unlawful lottery
In re Senator Hanseatische Verwaltungsgesellschaft m.b.H., C.A. [1997] 1 W.L.R. 515

HACKNEY CARRIAGE

Licence

Application for licence

Evidence of previous spent convictions—Whether admissible when considering fitness to hold licence—Rehabilitation of Offenders Act 1974, ss. 4, 7(3)
Adamson v. Waveney District Council, Sedley J. [1997] 2 All E.R. 898; 95 L.G.R. 661

"Private hire vehicle"

Mini-bus used for gratuitous journey with boys in controlled district—Driver with no current licence to act as driver of private hire vehicle—Whether definition of private hire vehicle describing vehicle itself or purpose for which vehicle driven—Local Government (Miscellaneous Provisions) Act 1976, ss. 46(1)(b), 80(1)
Benson v. Boyce, D.C. [1997] R.T.R. 226

Telephoned request to operator outside controlled district to carry out journey there—Operator using driver and vehicle unlicensed by controlled district—Whether offence—Whether operating vehicle in controlled district—"Operate"—Local Government (Miscellaneous Provisions) Act 1976, ss. 46(1)(e)(2), 80(1)(2)

Adur District Council v. Fry, D.C. [1997] R.T.R. 257

HEALTH AND SAFETY *see also* EUROPEAN COMMUNITY: **Council Directive: Validity**

Statutory offence

Employer's liability

Supermarket company engaging contractors to maintain lifts at stores—Contractors leaving trap-door open—Store manager pursuant to unauthorised practice going to repair recurring defect in lift and falling to death—Employer's duty not to expose employees to risk to health or safety—Whether company liable for breach of duty created by unauthorised practice—Health and Safety at Work etc. Act 1974, s. 2(1)

Reg. v. Gateway Foodmarkets Ltd., C.A. [1997] I.C.R. 382

Safe system of work

Specialised zoo practising social contact between keepers and tigers to produce bonding—Keepers entering enclosures with free roaming tigers to achieve bonding—Whether employer in breach of duty to provide safe system of work—Whether duty subject to idiosyncrasy of particular business—Health and Safety at Work etc. Act 1974, s. 2(1)(2)(a)

Canterbury City Council v. Howletts & Port Lympne Estates Ltd.,
Turner J. [1997] I.C.R. 925

HIGHWAY**Obstruction***Dogs on adjoining property*

Aggressive behaviour of dogs on property adjoining path—Open wire mesh fence between path and property—People deterred from using path due to fear of dogs—Whether fear amounting to obstruction preventing free passage—Highways Act 1980, s. 137

Kent County Council v. Holland, D.C. (1996) 95 L.G.R. 633

Temporary road closure

Persons affected claiming damages against highway authority for nuisance caused by wrongful obstruction of highway—Whether persons affected having private law rights—Whether sole remedy public law claim in proceedings for judicial review—Whether action abuse of process—Road Traffic Regulation Act 1984, s. 14

The Great House at Sonning Ltd. v. Berkshire County Council, C.A. [1996] R.T.R. 407; 95 L.G.R. 350

HIRE-PURCHASE**Conditional sale agreement***Antecedent negotiations*

Defendant agreeing to purchase car from plaintiff finance company under conditional sale agreement—Defendant subsequently seeking to part-exchange car for another—Dealers offering to purchase car and pay outstanding balance to plaintiff—Defendant paying dealers deposit on second car and entering into conditional sale agreement with second finance company—Dealers later going into liquidation without having paid sum due to plaintiff—Whether second finance company liable to discharge defendant's debt to plaintiff—Consumer Credit Act 1974, s. 56(1)(b)(2)(4)

Forthright Finance Ltd. v. Ingate (Carlyle Finance Ltd., Third Party), C.A. [1997] 4 All E.R. 99

Hire-purchase agreement*Nature of agreement*

Sale of motor car by finance company to car dealer—Agreement conferring option to purchase—Option deemed to be exercised when all instalments paid unless hirer electing not to take title—Whether hire-purchase agreement or conditional sale agreement—Sale of Goods Act 1979, s. 25(1)

Forthright Finance Ltd. v. Carlyle Finance Ltd., C.A. [1997] 4 All E.R. 90

HONG KONG**Admiralty see ADMIRALTY: Mortgage****Crime***Corruption*

Solicitor in firm representing prisoner suspected of offering bribe on prisoner's behalf—Commission applying for warrant to search firm's premises—Whether information in support of application disclosing bribery offence by solicitor in relation to firm's affairs—Whether jurisdiction to issue warrant—Prevention of Bribery Ordinance, s. 9(1)(2)—Independent Commission Against Corruption Ordinance, s. 10B

Comr. of the Independent Commission against Corruption v. Ch'ng Poh, P.C. [1997] 1 W.L.R. 1175

Immigration*Vietnamese refugees*

Residents of Vietnam living in China prior to arrival in Hong Kong—Permission sought to remain in Hong Kong as refugees pending resettlement elsewhere—Director of Immigration refusing applications and not serving notice of entitlement to seek review—Whether failure to comply with statutory duty—Whether applicants entitled to relief—Immigration Ordinance, ss. 13A(1), 13D(1)(3), 13E, 13F(1)(5)

Nguyen Tuan Cuong v. Director of Immigration, P.C. [1997] 1 W.L.R. 68

Insurance*Professional indemnity see INSURANCE***Land***Limitation of action*

Land held under Crown lease—Squatter in adverse possession—Mistaken grant by Crown of permit to occupy—Subsequent revocation of permit by Crown on discovery of true lessee—Whether squatter in adverse possession throughout limitation period—Whether lessees' title extinguished—Limitation Ordinance, ss. 7(2), 8(1), 13(1)(2)

Sze To Chun Keung v. Kung Kwok Wai David, P.C. [1997] 1 W.L.R. 1232

HONG KONG—continued**Revenue***Profits tax*

Deduction of expenses—Taxpayer borrowing money to purchase tram depot for redevelopment—Whether interest on loans “expenditure of a capital nature”—Whether deductible in ascertaining taxpayer’s chargeable profits—Inland Revenue Ordinance, ss. 16(1)(a), 17(1)(c) **Wharf Properties Ltd. v. Comr. of Inland Revenue**, P.C. [1997] A.C. 505; [1997] 2 W.L.R. 334

Deduction of expenses—Taxpayer making statutory severance payments to employees on cessation of business—Whether expenditure incurred “in the production of profits” or “for the purpose of producing . . . profits”—Whether payments deductible in ascertaining taxpayer’s chargeable profits—Employment Ordinance, s. 31B(1)—Inland Revenue Ordinance, ss. 16(1), 17(1)(b) **Comr. of Inland Revenue v. Cosmotron Manufacturing Co. Ltd.**, P.C. [1997] 1 W.L.R. 1288

Vendor and purchaser *see* **VENDOR AND PURCHASER: Completion: Delay in completion**

HOUSE OF LORDS**Practice***Civil appeals*

Petitions for leave—Request for expedited consideration—House of Lords (Practice Directions applicable to Civil Appeals) (1996), dir. 4.17

Practice Direction (House of Lords: Civil Procedure Amendment), H.L. [1997] 1 W.L.R. 167

HOUSING**Residential care homes***Registration*

Refusal of registration on basis of economic viability—Appeal against refusal—Tribunal refusing to consider council’s evidence on financial viability of project—Leave to amend council’s statement of reasons refused—Whether financial viability relevant criterion for refusing registration—Registered Homes Act 1984, s. 9

Reg. v. Registered Homes Tribunal, Ex parte Hertfordshire County Council, Tuckey J. (1996) 95 L.G.R. 76

Secure tenancy*Employment with requirement to occupy premises*

Employee made redundant but offered similar post within local authority area—Employee allowed to retain original tenancy until accommodation at new post becoming available—Employee resigning new post—Notice to quit served—Whether secure tenancy—Housing Act 1985, s. 79(1), Sch. 1, para. 2(1)(4)

Berkshire County Council v. Greenfield, C.A. (1996) 95 L.G.R. 327

Right to buy

Council house tenant exercising right to buy dwelling house—Whether statutory right to buy to be taken into account on rent review—Tenant under repairing obligation—Whether works of repair “improvements”—Whether works of repair to be ignored in fixing freehold price—Housing Act 1985, ss. 101, 127(1)(b), 187

Dickinson v. Enfield London Borough Council, C.A. (1996) 95 L.G.R. 379

HUSBAND AND WIFE**Divorce***Stay of proceedings**Foreign proceedings*

Husband with personal and business interests in U.S. ordinarily resident in U.K. for tax purposes—Wife habitually resident in U.K.—Wife petitioning for divorce in England—Husband petitioning for divorce in New York—Prenuptial agreement that parties’ rights on divorce to be determined by New York court—Application for stay of English proceedings—Effect of prenuptial agreement—Whether balance of fairness in favour of staying English proceedings—Domicile and Matrimonial Proceedings Act 1973, Sch. 1, para. 9(1)(b) **S. v. S. (Matrimonial Proceedings: Appropriate Forum)**,

Wilson J. [1997] 1 W.L.R. 1200

HUSBAND AND WIFE—continued**Financial provision***Conduct of parties**Void marriage*

Transsexual deceiving other party as to gender and making false declaration at marriage ceremony—Claim for ancillary relief following decree of nullity—Whether public policy precluding claim—Whether relevant to exercise of discretion—Matrimonial Causes Act 1973, ss. 11(c), 25(1) (as amended by Matrimonial and Family Proceedings Act 1984, s. 3)

S.-T. (formerly J.) v. J., C.A. [1997] 3 W.L.R. 1287

*Periodical payments order**Variation*

Consent order for periodical payments until occurrence of specified events “or until further order”—Whether jurisdiction to vary order after expiry—Whether jurisdiction to make order for periodical payments to child and to parent for benefit of child—Matrimonial Causes Act 1973 (as amended by Matrimonial and Family Proceedings Act 1984, s. 5(2)), ss. 23(1), 28(1A), 31(1)

G. v. G. (Periodical Payments), C.A. [1997] 2 W.L.R. 614

Justices*Maintenance**Remission of arrears*

Children's periodical payments order—Mother's application to enforce—Justices' failure to notify mother of intention to remit arrears—Arrears remitted—Whether justices entitled to remit—Whether judicial review appropriate remedy—Whether appeal by case stated available—Magistrates' Courts Act 1980, s. 111(1)—Magistrates' Courts Rules 1981, r. 44(1) (as amended by Magistrates' Courts (Family Law Reform Act 1987) (Miscellaneous Amendments) Rules 1989, Sch., r. 17)

Reg. v. Bristol Justices, Ex parte Hodge, Cazalet J. [1997] Q.B. 974; [1997] 2 W.L.R. 756

Property*Transfer of property**Council tenancy*

Wife applying for transfer of tenancy—Husband more likely to be rehoused by council because of physical disability—Whether court entitled to take account of council's housing policy—Matrimonial Causes Act 1973, s. 24(1)(a)

Jones v. Jones, C.A. [1997] Fam. 59; [1997] 2 W.L.R. 373

IMMIGRATION**Deportation***Detention pending deportation*

Immigration officer legitimately relying on hearsay information obtained from interviews in Bangladesh—Officer deciding entry obtained by deception—Whether information on which officer relied admissible in evidence—Whether court entitled to take hearsay into account on application for habeas corpus

Reg. v. Secretary of State for the Home Department, Ex parte Rahman, Collins J. and C.A. [1997] 3 W.L.R. 990

Illegal entrant*Burden of proof*

Entrant holding British passport describing him as British citizen—Secretary of State not satisfied as to identity of holder—Whether production of genuine passport discharging burden of proof of British citizenship—Immigration Act 1971, s. 3(8)(9)(a) (as amended by British Nationality Act 1981, s. 39(6), Sch. 4, para. 2 and Immigration Act 1988, s. 3(1))

Reg. v. Secretary of State for the Home Department, Ex parte Obi, Sedley J. [1997] 1 W.L.R. 1498

Limited leave to enter*Application for asylum*

Applicants claiming fear of persecution—Civil war in country of origin—Whether entitled to refugee status—Whether current well-founded fear of persecution necessary—Whether draft evader member of “social group”—Convention and Protocol relating to the Status of Refugees (1951) (Cmd. 9171) and (1967) (Cmd. 3906), art. 1A(2)

Adan v. Secretary of State for the Home Department, C.A. [1997] 1 W.L.R. 1107

IMMIGRATION—continued**Refusal of entry***Application for asylum*

Dismissal of appeal against refusal by special adjudicator on ground that safe haven available in home state—Whether jurisdiction to consider availability of internal flight alternative—Whether reasonable to expect applicant to relocate to safe area—Whether appellate tribunal required to consider points not raised in grounds of appeal—Asylum and Immigration Appeals Act 1993, s. 8(1)—Convention and Protocol relating to Status of Refugees (1951) (Cmd. 9171) and (1967) (Cmnd. 3906), art. 1A(2)

Reg. v. Secretary of State for the Home Department, *Ex parte Robinson*,
C.A. [1997] 3 W.L.R. 1162

Refugee, intention to stay as

Applicant arriving from third country and applying for asylum—Secretary of State issuing certificate authorising return to safe third country—Safety of third country previously doubted by special adjudicators—Whether Secretary of State's decision reasonable—Asylum and Immigration Act 1996, s. 2—Convention and Protocol relating to Status of Refugees (1951) (Cmd. 9171) and (1967) (Cmnd. 3906), art. 33

Reg. v. Secretary of State for the Home Department, *Ex parte Canbolat*,
C.A. [1997] 1 W.L.R. 1569

INDUSTRIAL RELATIONS**Industrial tribunals***Constitution of tribunal*

Application to add respondent—Whether within jurisdiction of chairman sitting alone—Industrial Tribunals (Constitution and Rules of Procedure) Regulations 1993, Sch. 1, r. 13(8)

Tsangacos v. Amalgamated Chemicals Ltd., E.A.T. [1997] I.C.R. 154

Notice of appearance

Failure to enter notice of appearance in time—Application for extension of time—Principles to be followed in exercising discretion—Industrial Tribunals (Constitution and Rules of Procedure) Regulations 1993, Sch. 1, rr. 3, 15(1)

Kwik Save Stores Ltd. v. Swain, E.A.T. [1997] I.C.R. 49

Pre-hearing review

Order to pay deposit—Whether order “sent” on day of posting or receipt—Whether power to extend time for payment—Industrial Tribunals (Constitution and Rules of Procedure) Regulations 1993, Sch. 1, rr. 7, 15—Interpretation Act 1978, s. 7

Immigration Advisory Service v. Oommen, E.A.T. [1997] I.C.R. 683

Procedure

Direction for hearing “in private” on grounds of national security—Whether excluding complainant's husband—Employment Protection (Consolidation) Act 1978, Sch. 9, para. 1(4A) (as inserted by Trade Union Reform and Employment Rights Act 1993, Sch. 7, para. 6(a))

Fry v. Foreign and Commonwealth Office, E.A.T. [1997] I.C.R. 512

Trade union activities*Action short of dismissal*

Compensation—Whether award for injury to feelings properly included—Trade Union and Labour Relations (Consolidation) Act 1992, s. 149(2)

Cleveland Ambulance N.H.S. Trust v. Blane, E.A.T. [1997] I.C.R. 851

INJUNCTION**Jurisdiction to grant***Restraint in support of foreign proceedings*

Dispute as to ownership of cargo—Cargo sold to third party—Buyers obtaining *ex parte* injunction restraining third party from paying buyers—Whether court having jurisdiction to grant injunction—Whether injunction to be continued

Tate & Lyle Industries Ltd. v. Cia Usina Bulhoes,
Clarke J. and C.A. [1997] 1 Lloyd's Rep. 355

Restraint of foreign proceedings

Air crash in India—English claimants commencing proceedings in Texas—Application for injunction restraining claimants from proceeding with action in Texas—Whether court having jurisdiction to grant injunction to restrain foreign proceedings—Whether application for injunction to be granted

Airbus Industrie GIE v. Patel, C.A. [1997] 2 Lloyd's Rep. 8

INJUNCTION—continued**Mareva injunction***Discharge*

Buyers failing to open letters of credit complying with contract—Sellers invoking performance bonds—Dispute referred to arbitration—Buyers obtaining *Mareva* injunction—Whether injunction to be discharged on grounds of delay in prosecuting claim

Comdel Commodities Ltd. v. Siporex Trade S.A.,
Colman J. and C.A. [1997] 1 Lloyd's Rep. 424

Jurisdiction

Carriage of goods by sea contract—Exclusive English jurisdiction clause—Claims for fraudulent misrepresentation or deceit and shortage—Actions commenced in Sierra Leone—Whether anti-suit and *Mareva* injunctions to be granted—Whether England more appropriate forum—Whether judgment in default to be set aside

A/S D/S Svendborg v. Wansa (trading as Melborne Enterprises),
Clarke J. [1996] 2 Lloyd's Rep. 559
C.A. [1997] 2 Lloyd's Rep. 183

Civil proceedings in foreign state against defendant resident and domiciled in England—Plaintiff seeking worldwide injunction and disclosure order in support of foreign proceedings—Whether jurisdiction to grant relief—Whether appropriate—Whether defendant entitled to claim privilege against self-incrimination—Civil Jurisdiction and Judgments Act 1982, s. 25 (as amended by Civil Jurisdiction and Judgments Act 1991, s. 3, Sch. 2, para. 12)

Crédit Suisse Fides Trust S.A. v. Cuoghi, C.A. [1997] 3 W.L.R. 871

Variation

Foreign defendant with responsibility for issue of national currency—Post-judgment injunction over all assets including bank notes to be issued abroad—Application for release of unissued bank notes—Bank notes of no value until issued—Whether available for execution—Whether to be exempted from injunction

Camdex International Ltd. v. Bank of Zambia (No. 2), C.A. [1997] 1 W.L.R. 632

INSOLVENCY**Voluntary arrangement***Creditors' meeting*

Creditor not told of meeting by nominee—Creditor obtaining notice of meeting independently—Whether "given notice" of meeting—Whether entitled to attend meeting and vote—Insolvency Rules 1986, r. 5.17(1)

In re A Debtor (No. 400-IO-1996), Rimer J. [1997] 1 W.L.R. 1319

Winding up*Company's debts*

Claim by shareholder for damages for misrepresentation inducing purchase of shares—Whether "sum due . . . by way of dividends, profits or otherwise" to shareholder—Whether due to shareholder "in his character of a member"—Insolvency Act 1986, ss. 74(2)(f), 411, Sch. 8, paras. 12, 13—Insolvency Rules 1986, r. 13.12

Soden v. British & Commonwealth Holdings Plc., C.A. [1997] 2 W.L.R. 206
H.L.(E.) [1997] 3 W.L.R. 840

Creditors

Preservation of preferential status—Creditors losing preferential status if liquidation voluntary—Cost and convenience advantages of voluntary liquidation—Whether jurisdiction to give directions to future liquidators—Whether jurisdiction to order unsecured creditors to be treated as preferential creditors—Insolvency Act 1986, ss. 14(1)(3), 18(3), Sch. 1, para. 13

In re Powerstore (Trading) Ltd., Lightman J. [1997] 1 W.L.R. 1280

Disclaimer of lease

Solvent company entering into members' voluntary winding up—Liquidators disclaiming lease—Ascertainment of extent of loss or damage sustained by landlord in consequence of disclaimer—Whether discount for early payment applicable to amount proved for future rent—Whether credit to be given for rent obtainable on reletting—Insolvency Act 1986, s. 178(6)—Insolvency Rules 1986, r. 11.13

In re Park Air Services Plc., C.A. [1997] 1 W.L.R. 1376

Liquidator

Action against director of insolvent company for wrongful trading—Champertous agreement with third party in return for share in fruits of action—Whether fruits of action "company's property"—Whether agreement necessary for winding up company's affairs and distributing assets—Whether action to be stayed—Insolvency Act 1986, s. 214, Sch. 4, paras. 6, 13

In re Oasis Merchandising Services Ltd., C.A. [1997] 2 W.L.R. 764

INSOLVENCY—continued

Winding up—continued

Petition

Application to undertake search of register of petitions—Information to be made available to parties on commercial terms—Judge refusing application on ground that purpose not proper—Whether judge's decision final—Whether Court of Appeal having jurisdiction to entertain renewed application—Supreme Court Act 1981, s. 18(1)(c)—Insolvency Rules 1986, r. 7.28
Ex parte Austintel Ltd., C.A. [1997] 1 W.L.R. 616

Contributory's petition—Appointment of provisional liquidator—Locus standi of petitioner disputed by directors—Whether dispute to be heard as preliminary issue—Whether petition to be allowed to proceed
Alipour v. Ary, C.A. [1997] 1 W.L.R. 534

Set-off

Bank making loans to companies secured by charges over third parties' deposit accounts—Bank subsequently going into liquidation—Whether liquidators entitled to recover whole of outstanding indebtedness from principal debtors—Insolvency Rules 1986, r. 4.90

In re Bank of Credit and Commerce International S.A. (No. 8),
H.L.(E.) [1997] 3 W.L.R. 909

Principal liquidation in foreign country of incorporation—Ancillary liquidation in England—Mutual set-off allowed by English law but not by foreign law—Whether English liquidators to retain funds to satisfy set-off in English liquidation—Whether jurisdiction to disapply set-off rule—Insolvency Rules 1986, r. 4.90

In re Bank of Credit and Commerce International S.A. (No. 10),
Sir Richard Scott V.-C. [1997] Ch. 213; [1997] 2 W.L.R. 172

INSURANCE

Brokers

Marine insurance

Brokers placing plaintiffs' insurance with underwriters—12-month policy cancelled after five months—Brokers retaining part of return premium as balance of commission due in respect of 12-month policy—Whether privity of contract between brokers and owners—Whether brokers having title to sue—Whether brokers entitled to retain moneys

Velos Group Ltd. v. Harbour Insurance Services Ltd.,
Judge Hallgarten Q.C. [1997] 2 Lloyd's Rep. 461

Health insurance

Benefits

Cover provided against total inability by reason of sickness to follow occupation—Plaintiff claiming under policy—Whether policy requiring insurers to pay on proof satisfactory to them of insured's entitlement to benefit—Whether insurers able to recover over-payment

Napier v. UNUM Ltd. (formerly NEL Permanent Health Insurances Ltd.),
Tuckey J. [1996] 2 Lloyd's Rep. 550

Standard or indemnity basis

Plaintiff insured by defendants for permanent health—Plaintiff claiming under policy—Investigation of claim by defendants—Claim eventually settled—Whether plaintiff's costs payable on standard or indemnity basis

Wailes v. Stapleton Construction and Commercial Services Ltd.,
Newman J. [1997] 2 Lloyd's Rep. 112

Illegality

Unauthorised insurance business

Defendant selling debt collection and debt indemnity services purportedly for limited company—Neither company nor defendant authorised to carry on insurance business—Whether defendant carrying on unauthorised insurance business—Whether offence committed if contract not concluded—Insurance Companies Act 1982, ss. 2, 14

Reg. v. Wilson (Rupert), C.A. [1997] 1 W.L.R. 1247

Indemnity

Banker's Blanket Bond

Worldwide insurance programme—Coverage under policies applicable exclusively and expressly in United Kingdom—No choice of law clause—Plaintiffs claiming under policies for alleged fraud—Whether proper law of policies French law and claims therefore time-barred

Crédit Lyonnais v. New Hampshire Insurance Co.,
Barbara Dohmann Q.C. [1997] 1 Lloyd's Rep. 191
C.A. [1997] 2 Lloyd's Rep 1

INSURANCE—continued**Indemnity—continued***Company reimbursement policy*

Policy covering loss in indemnifying director for costs incurred in defending claim against him—Proceedings against director and others—Whether costs reasonably but not exclusively related to director's defence within policy

New Zealand Forest Products Ltd. v. New Zealand Insurance Co. Ltd.,
P.C. [1997] 1 W.L.R. 1237

Household contents

Assured's declaration as to replacement cost and proportion of valuables to sum insured—Honest belief in accuracy of valuation—Valuables stolen in burglary—Insurer seeking to avoid liability on grounds of misrepresentation and non-disclosure—Whether necessary for assured's representations to be objectively reasonable—Marine Insurance Act 1906, s. 20(5)

Economides v. Commercial Assurance Co. Plc., C.A. [1997] 3 W.L.R. 1066

Liability insurance*Contractors All Risks*

Development works and marina insured—Cover excluded if certificate of completion issued—Whether brokers in breach of duty in allowing clause to be included in policy—Whether claim of causation broken—Contributory negligence—Apportionment of damages

Tudor Jones II v. Crowley Oblosso Ltd., Langley J. [1996] 2 Lloyd's Rep. 619

Public liability

Embankment of waste tip failing and sewage sludge deposited in river—Plaintiffs carrying out flood alleviation works—Whether plaintiffs entitled to recover under insurance policies cost of remedial works—Whether term to be implied that insured to make reasonable efforts to prevent or minimise loss—Whether to be indemnified in respect of costs so incurred

Yorkshire Water Services Ltd. v. Sun Alliance & London Insurance Plc.,
C.A. [1997] 2 Lloyd's Rep. 21

Lloyd's*Interim payment*

Dispute between plaintiff Names and defendant members' agents and managing agents—Interim payments ordered to be paid to plaintiffs—Whether interim payments to be made on basis of calls made on Names

Aiken v. Stewart Wrightson Members Agency Ltd., C.A. [1996] 2 Lloyd's Rep. 577

Marine*Constructive total loss*

Fire in vessel's engine room—Vessel constructive total loss—Claim under insurance—Whether vessel sent to sea in unseaworthy state with privity of assured—Whether plaintiffs in breach of duty of utmost good faith

Manifest Shipping & Co. Ltd. v. Uni-Polaris Insurance Co. Ltd.,
C.A. [1997] 1 Lloyd's Rep. 360

Inchmaree clause

Fatigue cracks in legs of accommodation platform—Whether vessel sustaining damage—Whether covered by Inchmaree clause—Whether damage caused by insured peril—Whether assured able to claim under sue and labour clause—Whether assured to recover survey costs, photocopying and stationery expenses

Promet Engineering (Singapore) Pte. Ltd. v. Sturge, C.A. [1977] 2 Lloyd's Rep. 146

Indemnity

Cargo shipped from defendant's refinery to I.C.I.—Cargo contaminated—Defendants settling I.C.I.'s claim and cargo insurance assigned to defendants—Whether defendants entitled to claim under policy as assignees—Whether defendants co-assured

Colonia Versicherung A.G. v. Amoco Oil Co., C.A. [1997] 1 Lloyd's Rep. 261

Cruise voyages disrupted and plaintiffs paying passengers compensation—Plaintiffs claiming recovery of amount paid under liability insurance—Whether plaintiffs having to establish legal liability in respect of third party claims—Whether underwriters entitled to equitable set-off in respect of repayment of moneys paid on account in similar claim on subsequent year

P. & O. Steam Navigation Co. v. Youell, C.A. [1997] 2 Lloyd's Rep. 136

Institute Time Clauses Hulls Port Risks

Platform struck by wave and crane falling into sea—Second defendants incurring expenses in removing wrecked crane—Whether second defendants "legally liable as owners"—Whether expenses recoverable under policy

Christmas v. Taylor Woodrow Civil Engineering Ltd.,
Judge Kershaw Q.C. [1997] 1 Lloyd's Rep. 407

INSURANCE—continued**Marine—continued***Non-disclosure*

Demurrage endorsements obtained for voyages from Kharg Island and Constantza—Whether such cover only applicable to risks of delay in loading and unloading—Allegations of non-disclosure of loss experience, adverse port characteristics and irrecoverability from third parties—Whether disclosure obligation waived—Whether terms of charter not “Asba 2 or similar”—Whether underwriters entitled to avoid endorsements

Marc Rich & Co. A.G. (now Glencore International A.G.) v. Portman,
C.A. [1997] 1 Lloyd’s Rep. 225

Vessel’s destination changed from Shanghai to Huang Pu—Typhoon threatening area—Vessel proceeding away from Huang Pu and stranded on Wuzhu Zhou—Whether vessel actual total loss—Whether defendants estopped from asserting vessel able to be salvaged—Whether change of voyage endorsement vitiated for non-disclosure—Whether defendants discharged from liability by change of voyage—Whether defendant entering into binding agreement to settle plaintiff’s claim—Marine Insurance Act 1906, s. 45

Fraser Shipping Ltd. v. Colton, Potter L.J. [1997] 1 Lloyd’s Rep. 586

Protection and indemnity

Contributions—Vessels entered with plaintiff club—Club claiming unpaid contributions relating to vessels—Whether defendants as managers of vessels liable for such contributions

Newcastle Protection and Indemnity Association v. V. Ships (U.S.A.) Inc.,
Mance J. [1996] 2 Lloyd’s Rep. 515

Sue and labour clause

Contract for building of two submarines for Dutch navy—Submarines suffering debonding and cracking in paintwork—Whether navy and yard joint assured—Whether plaintiffs guilty of wilful misconduct—Whether conduct of yard relevant—Whether underwriters entitled to deny liability—Whether plaintiffs failing to take steps to minimise damages—Marine Insurance Act 1906, ss. 55(2)(a), 78(4)

State of The Netherlands (represented by the Minister of Defence) v. Youell,
Rix J. [1997] 2 Lloyd’s Rep. 440

Non-disclosure see also Marine*Household contents see Indemnity**Mortgage indemnity guarantee policies*

Defendants arranging loan facility with plaintiff banks—Loans underwritten by insurance company—Borrowers defaulting on loans—Insurers avoiding policies for non-disclosure—Whether defendants under duty to plaintiffs to exercise proper and reasonable care to discharge disclosure obligations—Whether plaintiffs relying on representations made by defendants

Sumitomo Bank Ltd. v. Banque Bruxelles Lambert S.A.,
Langley J. [1997] 1 Lloyd’s Rep. 487

Repudiation of claim

Insurers repudiating claim for burglary—Insurers alleging non-disclosure—Whether insurance brokers passing on all information—Whether plaintiffs in breach of policy condition

Gunns v. Par Insurance Brokers, Sir Michael Ogden Q.C. [1997] 1 Lloyd’s Rep. 173

Professional indemnity*Construction*

Solicitors covered by primary policy for loss up to specified limit in respect of “any one claim hereunder”—Separate policy covering excess—Solicitors’ clerk stealing money and shares from two clients on several occasions—Whether each client having one claim against firm—Liability of excess insurers—Hong Kong

Haydon v. Lo & Lo, P.C. [1997] 1 W.L.R. 198

Insurance brokers

Brokers in breach of duty—Insurance of plaintiffs’ premises avoided—Brokers in liquidation—Whether breaches of duty outside scope of professional indemnity insurance

Total Graphics Ltd. v. AGF Insurance Ltd., Mance J. [1997] 1 Lloyd’s Rep. 599

Notification

Insured obliged to notify insurers of circumstances giving rise to claims and of discovery of employee’s fraud—Estate agents’ employee carrying out fraudulent valuations—Estate agents settling claims by lending institutions and claiming under policy—Proper view of notifications—Whether professional indemnity insurers liable

Hamptons Residential Ltd. v. Field, Mance J. [1997] 1 Lloyd’s Rep. 302

INSURANCE—continued**Reinsurance***Arbitration clause*

Dispute under retrocession and XOL treaty—Retrocession incorporating “all terms, clauses, conditions and warranties” of XOL treaty—Whether arbitration clause in XOL treaty incorporated—Whether stay of proceedings to be granted

Excess Insurance Co. Ltd. v. Mander, Colman J. [1997] 2 Lloyd's Rep. 119

INTEREST**Award of damages***Date from which payable*

Plaintiffs lending money on basis of defendants' negligent valuation—Default by borrowers—Plaintiffs obtaining possession and selling property at price below valuation—Award of damages against defendants—House of Lords on appeal holding damages to be limited to difference between defendants' valuation and true value at date of valuation—When cause of action arising—Damages and costs awarded by Court of Appeal to be repaid to defendants—Whether jurisdiction in House of Lords to award interest on sums repayable

Nykredit Mortgage Bank Plc. v. Edward Erdman Group Ltd. (No. 2),
H.L.(E.) [1997] 1 W.L.R. 1627

Charging order*Entitlement to interest*

No reference to interest in order—Delay in enforcing order—Whether judgment creditor entitled to interest—Whether recovery of interest limited to six years' arrears—Limitation Act 1980, ss. 20(5), 24(2)

Ezekiel v. Orakpo, C.A. [1997] 1 W.L.R. 340

JAMAICA**Crime**

Evidence see **CRIME: Evidence: Identity**

Homicide

Classification of existing murder convictions as capital or non-capital—Single judge classifying murders and determining death sentences warranted—Classification and determination upheld on review by three Court of Appeal judges—Whether Privy Council having jurisdiction to entertain appeals—Jamaica (Constitution) Order in Council 1962, Sch. 2, s. 110(3)(5)—Offences against the Person Act 1864, s. 3(1A), 3B(5) (as inserted by Offences against the Person (Amendment) Act 1992, ss. 3(b), 4)—Offences against the Person (Amendment) Act 1992, s. 7

Williams (Kervin) v. The Queen, P.C. [1997] A.C. 624; [1997] 2 W.L.R. 910

Judge's direction see **CRIME: Summing up**

Judge's procedural rulings see **CRIME: Judge**

Search, right of*Search warrant*

Revenue's suspicion of fraudulent importation of vehicles—Justice satisfied of reasonable cause for suspicion issuing warrant—Warrant failing to recite statutory authority for search and purporting to give additional powers—Whether invalidating warrant—Applicants claiming violation of constitutional right to protection against unlawful searches—Whether proceedings to be reconstituted as action in tort—Jamaica (Constitution) Order in Council 1962, Sch. 2, ss. 18(1), 19(1)—Customs Act, s. 203

Attorney-General of Jamaica v. Williams, P.C. [1997] 3 W.L.R. 389

JOINT TORTFEASORS**Concurrent tortfeasors***Contribution*

Plaintiff agreeing “full and final” settlement of personal injury claim against one tortfeasor—Settlement less than full value of claim—Plaintiff's widow bringing dependency claim against concurrent tortfeasor—Whether settlement satisfying claim against concurrent tortfeasor—Whether bar to dependency claim—Whether concurrent tortfeasor entitled to seek contribution—Fatal Accidents Act 1976, s. 1(1) (as substituted by Administration of Justice Act 1982, s. 3(1))—Civil Liability (Contribution) Act 1978, ss. 1, 7

Jameson v. Central Electricity Generating Board (Babcock Energy Ltd., Third Party),
C.A. [1997] 3 W.L.R. 151

JUDICIAL REVIEW**Customs and Excise Commissioners***Repayment of duty*

Demand for payment of excise duty on hydrocarbon oil delivered to plaintiff—Plaintiff claiming relief from payment on grounds that use of oil “qualifying use”—Commissioners refusing relief—Action for restitution claiming repayment of duty paid—Whether private law remedy available—Whether decision of commissioners amenable to judicial review—Hydrocarbon Oil Duties Act 1978, ss. 6, 9

British Steel Plc. v. Customs and Excise Comrs, C.A. [1997] 2 All E.R. 366

Delay*Refusal of relief*

Decision not to reopen tax liabilities considered settled by agreement—Agreement denied—Distraint proceedings taken—County Court refusing stay—Whether leave for judicial review to be given—Whether undue delay—Whether other remedy appropriate

Reg. v. Inspector of Taxes, King's Cross, Ex parte Uchendu,
Hutchison J. (1993) 67 T.C. 487

Inland Revenue*Criminal prosecution*

Indication during investigation of possible settlement by monetary penalties—Further evidence later obtained—Whether decision to start or to maintain prosecution amounting to abuse of process

Reg. v. Inland Revenue Comrs., Ex parte Allen, D.C. (1997) T.C. Leaflet No. 3516

Production of documents

Inspector's power, subject to commissioner's consent, to issue notice requiring production of documents—Notice with consent to companies' banks to produce documents relating to two individuals—Individuals not given written summary of reasons for application for consent—Whether failure breach of procedure—Whether notice invalid—Whether companies entitled to relief—Taxes Management Act 1970, s. 20(3)(8E)(8G)

Reg. v. Inland Revenue Comrs., Ex parte Continental Shipping Ltd. S.A.,
Tuckey J. (1996) T.C. Leaflet No. 3483

Statutory notice

Notices to bank to make documents relating to parties' accounts available for inspection—Previous request withdrawn when ensuing action settled—Whether further request precluded by legitimate expectation accruing to bank from settlement—Whether proposed notice beyond statutory scope by extending to documents which revenue did not know to exist or to be in possession or power of recipient of intended notice—Whether revenue's intention to seek consent of special commissioner to issue of notice irrational—Whether bank having reasonable opportunity to make documents available—Taxes Management Act 1970, ss. 20, 20B

Reg. v. Inland Revenue Comrs., Ex parte Ulster Bank Ltd.,
McCullough J. and C.A. (1997) T.C. Leaflet No. 3521.

Notices to third parties to deliver documents or make them available for inspection—Whether notices beyond scope of power, in breach of legitimate expectations or oppressive—Whether inspector to consider notifying third party of intention to apply for consent to issue notice—Whether application to be made to designated division of commissioners—Taxes Management Act 1970, ss. 20, 20B, 44, Sch. 3

Reg. v. O'Kane, Ex parte Northern Bank Ltd., Ferris J. (1996) T.C. Leaflet No. 3497

Magistrates' court*Irregularity in proceedings*

Applicants convicted after justices' refusal to adjourn to enable defence witnesses to give evidence at trial—Applicants not exercising right of appeal to Crown Court—Whether judicial review appropriate remedy—Whether refusal to adjourn amounting to procedural irregularity

Reg. v. Hereford Magistrates' Court, Ex parte Rowlands, D.C. [1997] 2 W.L.R. 854

Procedural unfairness

Motoring offence—Statutory appeal in train to Crown Court—Whether judicial review appropriate—Magistrates' Courts Act 1980, s. 108

Reg. v. Peterborough Magistrates' Court, Ex parte Dowler,
D.C. [1997] Q.B. 911; [1997] 2 W.L.R. 843

JUDICIAL REVIEW—*continued***Time bar***Delay*

Application outside three-month period—Leave to apply granted—Substantive application dismissed on grounds of delay—Whether delay relevant on substantive application—Supreme Court Act 1981, s. 31(6)(7)—R.S.C., Ord. 53, r. 4

Reg. v. Criminal Injuries Compensation Board, Ex parte A., C.A. [1997] 3 W.L.R. 776

Youth court*Bias*

Applicant placed in dock by reason of other pending charges—Justices informed of other charges—Refusal to direct release from dock for trial or to debar themselves from sitting—Applicant convicted but not exercising right of appeal to Crown Court—Whether judicial review appropriate remedy—Whether proceedings vitiated by bias

Reg. v. Hereford Magistrates' Court, Ex parte Rowlands, D.C. [1997] 2 W.L.R. 854

JUSTICES**Committal proceedings***Evidence*

Prosecution witness refreshing memory—Reading non-contemporaneous witness statements—Whether judge having discretion to permit witness to refresh memory

Reg. v. South Ribble Magistrates, Ex parte Cochran, D.C. [1996] 2 Cr.App.R. 544

Time limits

Magistrate refusing further extensions of custody time limits—Judge granting bail—Voluntary bill of indictment granted—Bail revoked—Application to extend time limits—Whether judge limited to considering prosecution acting with due expedition after signing of voluntary bill of indictment—Prosecution of Offences Act 1985, s. 22

Reg. v. Birmingham Crown Court, Ex parte Bell, D.C. [1997] 2 Cr.App.R. 363

Committal to Crown Court*Jurisdiction*

Applicant convicted of summary offence while on licence—Justices imposing custodial sentence and committing to Crown Court for consideration of revocation of licence—Whether jurisdiction to commit to Crown Court—Criminal Justice Act 1991, s. 40 (as amended by Criminal Justice and Public Order Act 1994, s. 168(1), Sch. 9, para. 47)

Reg. v. Harrow Justices, Ex parte Jordan, D.C. [1997] 1 W.L.R. 84

Committal warrant*Non-payment of fines*

Applicant convicted of substantive offences—Justices passing sentence of imprisonment and immediately ordering committal to prison for default—Whether applicant "already serving ... a term of imprisonment" when committed for default—Whether committal order properly made—Magistrates' Courts Act 1980, s. 82(3) (as amended by Criminal Justice Act 1982, s. 77, Sch. 14, para. 52)

Reg. v. Grimsby and Cleethorpes Justices, Ex parte Walters, D.C. [1997] 1 W.L.R. 89

Statutory requirements in relation to warrants of commitment—Whether magistrates having to state reasons for not making money payment supervision order—Whether having to state reasons for not making alternative order in open court—Magistrates' Courts Act 1980, s. 82(4)(6)

Reg. v. Stockport Justices, Ex parte Conlon, D.C. [1997] 2 All E.R. 204

Evidence*Dock identification*

Road traffic offence—Identity of driver in issue—No identification parade held—Whether dock identification admissible

Barnes v. Chief Constable of Durham, D.C. [1997] 2 Cr.App.R. 505

Youth court*Jurisdiction*

Defendant remitted to different court following guilty plea—Whether receiving court having jurisdiction to accept change of plea—Children and Young Persons Act 1933, s. 56(1) (as amended by Children and Young Persons Act 1969, s. 72(3), Sch. 5, para. 6)

Reg. v. Stratford Youth Court, Ex parte Conde, D.C. [1997] 1 W.L.R. 113

LAND CHARGE**Charges registrable***Estate contract*

Defendant agreeing to purchase property—Agreement not registered—Defendant paying purchase price but title not conveyed—Legal owner charging property to bank—Bank claiming possession on legal owner's default—Whether defendant entitled to assert bare trust, constructive trust or proprietary estoppel against bank—Land Charges Act 1972, s. 4(6)

Lloyds Bank Plc. v. Carrick, C.A. [1996] 4 All E.R. 630

LAND REGISTRATION**Overriding interest***"Actual occupation"*

Equitable tenants in common in actual occupation of land—Execution of legal charge to secure future bank overdraft—Charge executed by two trustees for sale without occupiers' knowledge—No capital money arising at time of execution of legal charge—Whether occupiers having overriding interest—Whether interest overreached by execution of legal charge—Law of Property Act 1925, s. 2(1)(ii)—Land Registration Act 1925, s. 70(1)(g)

State Bank of India v. Sood, C.A. [1997] Ch. 276; [1997] 2 W.L.R. 421

LANDLORD AND TENANT**Business premises (security of tenure)***Occupation for purposes of tenant's business*

Premises demised for five-year term—Tenant ceasing occupation for business purposes before expiry of term—Determination of tenancy—Whether statutory provisions applicable—Whether tenancy determined by effluxion of time—Landlord and Tenant Act 1954, ss. 23, 24, 27 (as amended by Law of Property Act 1969, s. 4(1)(2))

Esselte A.B. v. Pearl Assurance Plc., C.A. [1997] 1 W.L.R. 891

Covenant*Abandonment*

Crown lease of land containing covenant restricting development to villa residences—Land subdivided—Multi-storey residential buildings erected on most of land—Whether covenant abandoned by Crown

Attorney-General of Hong Kong v. Fairfax Ltd., P.C. [1997] 1 W.L.R. 149

Enforcement by third party

Covenant in underlease for benefit of superior landlord—Whether enforceable directly against subtenant by headlessor—Law of Property Act 1925, s. 56(1)

Amsprop Trading Ltd. v. Harris Distribution Ltd., Neuberger J. [1997] 1 W.L.R. 1025

Forfeiture of lease*Re-entry*

Tenant failing to pay rent—Tenant made bankrupt—Landlord peaceably re-entering despite stated intention by tenant to pay arrears of rent in full—Whether right of peaceable re-entry for non-payment of rent "security" or remedy against property of bankrupt—Whether leave of court required—Whether relief from forfeiture to be granted—Insolvency Act 1986, ss. 285(3), 383(2)

Razzaq v. Pala, Lightman J. [1997] 1 W.L.R. 1336

Lease for fixed term*Notice to determine*

Lease for 10 years—Provision to determine—Notice wrongly stating date of termination—Whether effective

Mannai Investment Co. Ltd. v. Eagle Star Life Assurance Co. Ltd., H.L.(E.) [1997] A.C. 749; [1997] 2 W.L.R. 945

Leasehold enfranchisement*Appurtenant property*

Outhouse let with flat—Tenant having fixed term lease of second floor flat together with separate fixed term lease of storeroom on sixth floor—Tenant claiming new lease of flat on same terms as existing lease but including storeroom within demise—Whether tenant entitled to have storeroom included in new lease—Whether storeroom "appurtenance" or "outhouse"—Whether part of flat—Leasehold Reform, Housing and Urban Development Act 1993, ss. 62(2), 101(1)

Cadogan v. McGirk, C.A. [1996] 4 All E.R. 643

Tenants' right to acquire reversion

Disposal by landlord to associated company—Shares in associated company transferred to purchaser—Whether property transferred before or after shares—Whether equitable ownership in shares passing to purchaser before completion—Whether shares in associated company held in fiduciary capacity for purchaser before completion—Whether "relevant disposal"—Companies Act 1985, ss. 736, 736A (as substituted by Companies Act 1989, s. 144)—Landlord and Tenant Act 1987, s. 4

Michaels v. Harley House (Marylebone) Ltd., Lloyd J. [1997] 1 W.L.R. 967

LANDLORD AND TENANT—continued**Rent restriction***Assured tenancy*

Notice of increase in rent above maximum for assured tenancy—Whether valid—Whether rent assessment panel restricted to determining rent at maximum for assured tenancy—Whether assured tenancy coming to end if market rent exceeding maximum—Housing Act 1988, s. 14(1), Sch. 1, para. 2

Reg. v. London Rent Assessment Panel, *Ex parte Cadogan Estates Ltd.*, Kay J. [1997] 3 W.L.R. 833

Premises within Acts

Wooden bungalow not attached to land but not removable without demolition—Whether bungalow part of land—Whether occupier of bungalow protected tenant—Rent Act 1977, s. 1

Elitestone Ltd. v. Morris, H.L.(E.) [1997] 1 W.L.R. 687

Secure tenancy*Assignment*

Grandson living intermittently with tenant—Tenant assigning tenancy to grandson before leaving premises—Whether grandson residing with tenant “throughout” 12-month period preceding tenant’s departure—Whether grandson qualified to succeed to tenancy—Housing Act 1985, ss. 87, 91

Camden London Borough Council v. Goldenberg, C.A. (1996) 95 L.G.R. 693

LEGAL AID*Availability of**Substitution of party*

Action by company—Assignment of claim to director—Availability of legal aid to director but not to company—Whether director to be substituted as plaintiff

Norglen Ltd. v. Reeds Rains Prudential Ltd., H.L.(E.) [1997] 3 W.L.R. 1177

Costs*Charge on property*

Unmarried co-owners of property—Defendant resisting application for property to be sold—Settlement allowing defendant to remain in exclusive occupation until specified events—Whether defendant preserving or recovering property—Legal Aid Act 1988, s. 16

Parkes v. Legal Aid Board, C.A. [1997] 1 W.L.R. 1547

Enforcement of order

Costs to be paid out of proceeds of sale of dwelling house—Whether proceeds of sale forming disposable capital of assisted person—Legal Aid Act 1988, s. 17

Chaggar v. Chaggar, C.A. [1997] 1 All E.R. 104

Successful unassisted party

Action struck out for want of prosecution—Defendants awarded costs against plaintiff not to be enforced without leave of court—Plaintiff claiming in negligence against solicitors—Solicitors settling claim—Settlement including indemnity for defendants’ costs—Whether appropriate to enforce defendants’ order for costs—Civil Legal Aid (General) Regulations 1989, reg. 130

Wraith v. Wraith, C.A. [1997] 1 W.L.R. 1540

Interlocutory appeal to House of Lords determined against assisted person—Whether proceedings finally decided in favour of unassisted person—Legal Aid (Scotland) Act 1986, s. 19(1) (as amended by Legal Aid Act 1988, Sch. 4, para. 8)

Herd v. Clyde Helicopters Ltd., H.L.(Sc.) [1997] A.C. 534; [1997] 2 W.L.R. 380

LICENSING**Entertainment***Street musician*

Whether Leicester Square “premises”—Whether issue of warrant for seizure of equipment lawful—London Government Act 1963, s. 52, Sch. 12, para. 1 (as amended by Fire Safety and Safety of Places of Sport Act 1987, Sch. 3), paras. 10, 12 (as amended by Greater London Council (General Powers) Act 1984, ss. 4(1), 42(2))

Reg. v. Bow Street Magistrates’ Court, *Ex parte McDonald*, C.A. (1996) 95 L.G.R. 359

LIMITATION OF ACTION**Bankruptcy proceedings***Statutory demand*

Service more than six years after date of default judgment—Whether bankruptcy proceedings “action . . . brought upon any judgment”—Whether statute-barred—Limitation Act 1980, s. 24(1)

In re A Debtor (No. 50A-SD-1995),

Judge Paul Baker Q.C. [1997] Ch. 310; [1997] 2 W.L.R. 57

LIMITATION OF ACTION—continued**Defamation***Accrual of cause of action*

Newspapers publishing allegations made by party to proceedings—Plaintiff's discovery after expiry of limitation period that allegations not privileged—Whether "facts relevant" to cause of action—Whether claim statute-barred—Limitation Act 1980, s. 32A (as inserted by Administration of Justice Act 1985, s. 57)

C. v. Mirror Group Newspapers, C.A. [1997] 1 W.L.R. 131

Personal injuries*Time limit, power to override*

Plaintiff issuing writ within time but failing to serve defendant—Whether plaintiff barred from commencing second action and seeking court's discretion to override time limit where plaintiff's first action failing—Whether conduct of defendant leading to estoppel—Limitation Act 1980, s. 33(1)

Forward v. Hendricks, C.A. [1997] 2 All E.R. 395

Writ issued outside three-year limitation period—Plaintiff's ignorance of right of action—Whether necessary to show plaintiff's ignorance objectively reasonable—Whether time limit to be disapplied—Limitation Act 1980, s. 33(3)(a)

Coad v. Cornwall and Isles of Scilly Health Authority, C.A. [1997] 1 W.L.R. 189

LOCAL GOVERNMENT**Community care services***Disabled person's needs*

Local authority's duty to assess disabled person's needs—Whether duty dependent upon availability of services or residence—National Assistance Act 1948, s. 29—National Health Services and Community Care Act 1990, s. 47

Reg. v. Berkshire County Council, Ex parte P., Laws J. (1996) 95 L.G.R. 449

Persons in need of care and attention

Duty to provide accommodation—Whether local authority entitled to have regard to limited financial resources in deciding if elderly person in need of care and attention—Whether local authority entitled to have regard to resources of person in need in determining whether care and attention otherwise available to that person—National Assistance Act 1948, s. 21

Reg. v. Sefton Metropolitan Borough Council, Ex parte Help the Aged, C.A. [1997] 4 All E.R. 532

Controlled community houses see CHILDREN**Council tax***Exempt dwellings*

Vacant and uninhabitable dwelling—Structural repair work to render building habitable—Whether major structural repair work necessary for council tax exemption—Council Tax (Exempt Dwellings) Order 1992, art. 3 (as substituted by Council Tax (Exempt Dwellings) (Amendment) Order 1993, art. 4)

Duffy v. Jones, Sedley J. (1996) 95 L.G.R. 568

Valuation of domestic element of hereditament

Composite hereditament—Whether mandatory to value whole of hereditament—Council Tax (Situation and Valuation of Dwellings) Regulations 1992, reg. 7

Atkinson v. Cumbria Valuation Tribunal, Jowitt J. (1996) 95 L.G.R. 712

Election*City of London alderman*

Confirmation by Court of Aldermen—Refusal of confirmation without reasons—Whether refusal procedurally unfair—Whether duty to give reasons

Reg. v. City of London Corporation, Ex parte Matson, C.A. [1997] 1 W.L.R. 765

Homeless persons*Civil action*

Applicant claiming to be homeless with priority need—Housing authority's failure to provide accommodation pending inquiries—Whether giving rise to private law action for damages—Housing Act 1985, s. 63(1)

O'Rourke v. Camden London Borough Council, H.L.(E.) [1997] 3 W.L.R. 86

Council's duty

Council finding applicant homeless intentionally—Applicant notified of decision and of reasons—Application for judicial review—Reasons notified not true reasons—Council submitting affidavit evidence stating true reasons—Judge admitting affidavit evidence and dismissing application—Whether deficient reasons in notification made good by affidavit evidence in course of proceedings—Housing Act 1985, ss. 62(1)(2), 64(1)(4)

Reg. v. Westminster City Council, Ex parte Ermakov, C.A. [1996] 2 All E.R. 302; 95 L.G.R. 119

LOCAL GOVERNMENT—continued**Local commissioner***Confidentiality of council records*

Complaint by prospective adoptive parents—County council refusing details of children available for adoption during relevant period—Commissioner serving subpoena—Conflict of public interest—Whether commissioner entitled to production of confidential adoption records—Local Government Act 1974, ss. 29(1), 32(3) (as amended by Local Government, Planning and Land Act 1980, s. 184(1))

In re A Subpoena Issued by the Comr. for Local Administration,
Carnwath J. (1995) 95 L.G.R. 338

Local Government Commission*Restructuring of local government*

Commission recommending replacement of two-tier structure by single tier and boundary change by combining two existing authorities—Secretary of State rejecting latter recommendation—Whether rejection “modification”—Whether lawful exercise of powers—Local Government Act 1992, s. 17(1)

Reg. v. Secretary of State for the Environment, Ex parte Berkshire Royal County Council,
C.A. (1996) 95 L.G.R. 249

Powers*Boundary alteration*

Exercise of statutory power transferring properties from one local authority to another—Power of local authority to make agreements with respect to property transferred—Whether exercisable—Local Government Act 1972, s. 68(1)(3)—Local Government Area Changes Regulations 1976, reg. 62(12)

Reg. v. Secretary of State for the Environment, Ex parte Sutton London Borough Council,
C.A. (1997) 95 L.G.R. 509

County and district councils' powers

Application by district council for declaration that granting particular planning application beyond powers of county council—Town and Country Planning Act 1990, Sch. 1, para. 3 (as amended)

Reg. v. Berkshire County Council, Ex parte Wokingham District Council,
C.A. (1996) 95 L.G.R. 609

Financial transactions

Council forming company and nominating two council members as directors—Company becoming insolvent—Liquidators seeking contribution from directors for wrongful trading—Council members' contracts providing indemnity for defaults committed within scope of authority—Whether activities as director of company within scope of authority as council members—Whether contractual indemnity covering defaults of directors

Burgoine v. Waltham Forest London Borough Council,
Neuberger J. (1996) 95 L.G.R. 520

Council participating in joint scheme with unregistered housing association—Housing association to purchase properties with bank loan for leasing to council—Council giving guarantee to bank and indemnity to housing association—Whether transactions ultra vires—Whether council liable under guarantee or indemnity—Local Government Act 1972, s. 111—Housing Associations Act 1985, ss. 58, 60

Morgan Grenfell & Co. Ltd. v. Sutton London Borough Council,
C.A. (1996) 95 L.G.R. 574

Public works contract

Award of contracts of repair and maintenance of housing stock on basis of best value for money—Decision to award substantial part of contracts to authority's direct labour organisation and not to private contractors offering lowest tenders—Whether decision lawful—Whether authority obliged to offer to lowest tenderer—Council Directive (71/305/E.E.C.) (as amended by Council Directive (89/440/E.E.C.)) (European Works Directive), arts. 1, 29—Public Works Contracts Regulations 1991, reg. 20

Reg. v. Portsmouth City Council, Ex parte Coles, C.A. (1996) 95 L.G.R. 494

Trading

Joint committee of local authority members operating as mail order company—Trading activities including supplying goods and services to educational institutions and others—Whether such trading activities lawful—Local Authorities (Goods and Services) Act 1970, s. 1—Local Government Act 1972, ss. 111, 112—Education Act 1993, s. 295

Reg. v. Yorkshire Purchasing Organisation, Ex parte British Educational Suppliers' Association, Owen J. (1996) 95 L.G.R. 413

LOCAL GOVERNMENT—continued

Social services function *see* Community care services

MARKET

Statutory market

Disturbance

Rival market—Proposed redevelopment of property into fixed separate shop units on five-year leases—Shops on ground floor opening onto open mall—Whether proposals constituting market or box of small shops

In Shops Centres Plc. v. Derby City Council, Lloyd J. (1996) 95 L.G.R. 161

MAURITIUS

Supreme Court

Jurisdiction

Appeal to Supreme Court against conviction by district or intermediate court—Powers of Supreme Court on hearing appeal—District and Intermediate Courts (Criminal Jurisdiction) Act, ss. 92(1), 96(1)(2)

Director of Public Prosecutions v. Sabapathsee, P.C. [1997] 1 W.L.R. 483

MEDICAL PRACTITIONER

Medical treatment

Human fertilisation

Insemination by donor sperm in Italy—Whether parties receiving “treatment . . . together”—

Whether requirement for treatment by licence holder restricting freedom to provide services within European Community—Human Fertilisation and Embryology Act 1990, s. 28(3)—E.C. Treaty, art. 59 U. v. **W. (Attorney-General Intervening)**, Wilson J. [1997] 3 W.L.R. 739

Insemination of wife with sperm taken from unconscious husband before death—Whether lawful without husband’s written consent—Whether husband and wife “together receiving treatment services”—Whether refusal to permit export of sperm infringement of freedom to obtain medical services elsewhere in European Community—Human Fertilisation and Embryology Act 1990, ss. 4, 24, Sch. 3, paras. 1, 3, 5—E.C. Treaty, arts. 59, 60

Reg. v. Human Fertilisation and Embryology Authority, Ex parte Blood, C.A. [1997] 2 W.L.R. 806

Withdrawal of treatment

Patient in persistent vegetative state—Sanction of High Court judge required before treatment—Form of application—Parties to application—Confirmation of diagnosis—Evidence—Views of patient—Consultation with Official Solicitor

Practice Note (Persistent Vegetative State: Withdrawal of Treatment),
Official Solicitor [1996] 4 All E.R. 766

Negligence

Causation

Doctor negligently failing to attend child with acute respiratory difficulties—Child later suffering respiratory failure leading to brain damage—Issue as to whether attendance by doctor would have resulted in treatment likely to prevent injury—Whether professional standard of care test relevant to causation—Whether judge required to accept expert opinion

Bolitho v. City and Hackney Health Authority, H.L.(E.) [1997] 3 W.L.R. 1151

MENTAL DISORDER

Medical treatment, consent to

Bone marrow donation

Patient’s sister needing bone marrow transplant—Patient most suitable donor but unable to consent to operation—Whether in patient’s best interests to donate bone marrow—Whether sister entitled to declaratory relief

In re Y. (Mental Patient: Bone Marrow Donation),
Connell J. [1997] Fam. 110; [1997] 2 W.L.R. 556

MORTGAGE

Possession

Joint mortgagors

Mortgagee’s application for order for possession against husband and wife in respect of matrimonial property—Wife having arguable defence—Court granting possession order as against husband pending outcome of proceedings against wife—Whether court having power to make order for possession as against one of two joint mortgagors

Albany Home Loans Ltd. v. Massey, C.A. [1997] 2 All E.R. 609

MORTGAGE—continued**Possession—continued***Mortgagee's right to*

Legal charge excluding right to let—Protected tenancy granted in breach of term—Tenant acquiring statutory protection before registration of legal charge—Mortgagee claiming possession against tenant after registration of charge—Whether tenancy overreached by registration—Whether statutory tenancy binding on mortgagee—Land Registration Act 1925, s. 70(1)(k) **Barclays Bank Plc. v. Zarovabli**, Sir Richard Scott V.-C. [1997] Ch. 321; [1997] 2 W.L.R. 729

Suspension of order

Negative equity—Mortgagor negotiating sale of property—Mortgagee refusing consent—County court suspending warrant for possession pending application to High Court for order for sale of property—Whether county court having jurisdiction to suspend warrant for possession—Law of Property Act 1925, s. 91—Administration of Justice Act 1970, s. 36 (as amended by Administration of Justice Act 1973, s. 8)

Cheltenham and Gloucester Plc. v. Krausz, C.A. [1997] 1 W.L.R. 1558

NEGLIGENCE**Duty of care to whom?***Auditor*

Reinsurance company alleging auditors negligent—Whether “officers” in reinsurance company’s byelaws including company’s auditors—Whether reinsurance company precluded from claiming against auditors

Mutual Reinsurance Co. Ltd. v. Peat Marwick Mitchell & Co., C.A. [1997] 1 Lloyd’s Rep. 253

Coastguard

Members of canoeing party rescued after unnecessary delay and frustration of rescue attempts by coastguard—Whether duty to persons known to be in an emergency—Whether duty limited to circumstances where coastguard’s positive acts increased or created direct physical injury **OLL Ltd. v. Secretary of State for Transport**, May J. [1997] 3 All E.R. 897

Commissioners responsible for buoyage

Vessel grounding in Carlingford Cut—Whether commissioners responsible for buoyage exercising proper skill and care in maintaining buoys in appropriate positions—Whether plaintiffs entitled to damages

Cenargo Navigation Ltd. v. Harbour of Carlingford Lough Improvement Comrs., Clarke J. [1997] 1 Lloyd’s Rep. 388

Employee

Secretary typing for more than half of working time developing repetitive strain injury—Employers instructing typists but not secretaries to take rest breaks—Whether employers owing duty of care—Whether negligent

Pickford v. Imperial Chemical Industries Plc., C.A. [1997] I.C.R. 566

Fire authority

Damage by fire—Fire brigade’s failure to extinguish fire—Whether fire authority liable for negligence or breach of statutory duty—Fire Services Act 1947, ss. 13, 30

Capital & Counties Plc. v. Hampshire County Council, C.A. [1997] Q.B. 1004; [1997] 3 W.L.R. 331

Local authority

Common law duty to protect and promote welfare of children in care—Alleged failure to carry out duty—Whether local authority liable in negligence

Barrett v. Enfield London Borough Council, C.A. [1997] 3 W.L.R. 628

Environmental health officer inspecting food premises—Officer requiring owners to undertake unnecessary works—Whether officer owing duty of care—Whether authority liable for officer’s negligence **Welton v. North Cornwall District Council, C.A.** [1997] 1 W.L.R. 570

Oil rig operator

Piper Alpha disaster—Support vessel assisting—Plaintiff on support vessel claiming to be suffering from post traumatic stress syndrome—Whether owners of Piper Alpha owing plaintiff duty of care—Whether in breach of statutory duty—Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976, reg. 32

Hegarty v. E.E. Caledonia Ltd., C.A. [1997] 2 Lloyd’s Rep. 259

NEGLIGENCE—continued

Duty of care to whom?—continued

Police

Police officer reporting to superior officers sexual assault by fellow officer when off duty—
Subsequent harassment by fellow officers—Whether chief officer owing duty of care—
Whether vicariously liable for conduct of fellow officers—Police Act 1964, s. 48(1)
Waters v. Comr. of Police of the Metropolis, C.A. [1997] I.C.R. 1073

Shipping

Vessel ordered to be arrested—Plaintiffs alleging vessel partly flooded in course of
immobilisation—Whether ingress of water caused by defendants' negligence—Whether
plaintiffs guilty of contributory negligence—Correct measure of damages
Tunstall v. District Judge Holloway, Clarke J. [1996] 2 Lloyd's Rep. 503

Foreseeability of consequential injury

Nervous shock

Car negligently driven into river—Father witnessing unsuccessful attempts to save daughters
drowning in car—Father suffering post-traumatic stress disorder and pathological grief
disorder—Attempted assessment of damages to exclude consequences of bereavement if
loved one killed—Whether unrealistic and artificial exercise—Whether father entitled to
recover damages for mental injury as illness resulting from car driver's negligence
Vernon v. Bosley (No. 1), C.A. [1997] 1 All E.R. 577; [1997] R.T.R. 1

Disaster at football stadium caused by negligence of chief constable and others—Police
officers suffering psychiatric injury after tending victims—Whether owed duty as
employees—Whether owed duty as rescuers

Frost v. Chief Constable of South Yorkshire Police, C.A. [1997] 3 W.L.R. 1194

NEMO DEBET BIS VEXARI

Autrefois acquit

Road traffic

Motorist pleading not guilty to charges of dangerous driving and inconsiderate driving arising
from same incident—Acquittal by justices of inconsiderate driving charge on prosecution
offering no evidence—Justices convicting on evidence of dangerous driving—On appeal
against conviction Crown Court accepting plea of autrefois acquit on ground of
inconsiderate driving offence necessarily involving acquittal on dangerous driving offence—
Whether Crown Court right to allow appeal—Road Traffic Act 1988, ss. 2, 3—Road Traffic
Act 1991, ss. 1, 2 **Director of Public Prosecutions v. Khan (Nasim), D.C. [1997] R.T.R. 82**

NEW ZEALAND

Securities

Debt security

Defendant offering townhouse units for sale subject to compulsory buy-back on cessation of
occupation—Whether buy-back provision ancillary to purchase of interest in land—Whether
"debt security"—Whether transaction subject to statutory controls on offer of securities—
Securities Act 1978, ss. 2(1), 5(1)(b), 67(1)

**Culverden Retirement Village Ltd. v. Registrar of Companies,
P.C. [1997] A.C. 303; [1997] 2 W.L.R. 291**

NUISANCE

Public nuisance

Enclosure of common land

National Trust—Whether trust having power to erect fences or walling on trust property—
National Trust Act 1907, s. 29—National Trust Act 1971, s. 23

**National Trust for Places of Historic Interest or Natural Beauty v. Ashbrook,
Lindsay J. [1997] 4 All E.R. 76**

Obscene telephone calls

Numerous calls to different women—Whether section of public affected—Whether capable of
constituting public nuisance—Whether number of complaints amounting to public nuisance
question of fact for jury

Reg. v. Johnson (Anthony), C.A. [1997] 1 W.L.R. 367

Television reception

Interference with

Defendants erecting tall building between television transmitter and plaintiffs' dwellings—
Building granted special planning permission in designated enterprise zone—Whether
interference with television reception actionable nuisance—Whether occupation of property
sufficient link entitling occupier to sue in private nuisance

Hunter v. Canary Wharf Ltd., H.L.(E.) [1997] A.C. 655; [1997] 2 W.L.R. 684

PARTNERSHIP**Dissolution***Undistributed assets*

Partners contributing unequally to acquisition of partnership assets—Plaintiff leaving partnership voluntarily—Defendant carrying on business and selling partnership assets at profit—Plaintiff claiming equal share in post-determination capital profits—Apportionment of capital and assets and of revenue and capital profits—Partnership Act 1890, s. 24(1)

Popat v. Shonchhatra, C.A. [1997] 1 W.L.R. 1367

Liability of employee*Holding out*

Employee held out as partner—Advice ostensibly prepared by firm relied on by client causing loss—Employee not personally responsible for advice given—Whether estopped from denying responsibility for advice—Whether jointly and severally liable for loss

Nationwide Building Society v. Lewis, Rimer J. [1997] 1 W.L.R. 1181

PATENT**Court***Practice*

Court to sit in September—Special sittings for shorter applications—Duties of parties

Practice Note (Patents Court: Sittings), Ch.D. [1997] 1 W.L.R. 1421

POLICE**Duties***Law enforcement*

Live animal exporters afforded police protection against demonstrators at port—Chief Constable reducing level of protection—Whether breach of duty to keep peace and enforce law—Whether proper exercise of discretion

Reg. v. Chief Constable of Sussex, *Ex parte International Trader's Ferry Ltd.*, C.A. [1997] 3 W.L.R. 132

Powers

Disclosure see **CONFIDENTIAL INFORMATION**

Interview see **CRIME: Evidence: Defendant's silence at police interview**

Investigation into proceeds of criminal conduct

Applications for production of bank and business accounts—Whether to determine whereabouts of proceeds or to provide evidence of alleged offence—Whether orders to be made—Criminal Justice Act 1988, s. 93H (as inserted by Proceeds of Crime Act 1995, s. 11)

Reg. v. Guildford Crown Court, *Ex parte Director of Public Prosecutions*, D.C. [1997] 2 W.L.R. 936

Search, right of*Search warrant*

Premises consisting of separate dwellings—Police wishing to search one flat and common parts—Justices on request issuing warrant referring to whole premises—Whether warrant unlawful—Police and Criminal Evidence Act 1984, ss. 15, 23

Reg. v. South Western Magistrates' Court, *Ex parte Cofie*, D.C. [1997] 1 W.L.R. 885

Whether searching officers have to be named individually—Taxes Management Act 1970, s. 20C (as amended)

Reg. v. Hunt, C.A. (1994) 68 T.C. 132

PRACTICE**Appeal***Leave to appeal*

Applications for leave to appeal or to set aside—leave to appeal

Smith v. Cosworth Casting Processes Ltd. (Practice Note), C.A. [1997] 1 W.L.R. 1538

Crown Office List*Consent order*

Civil and criminal proceedings—No need for hearing

Practice Direction (Crown Office List: Consent Orders), Q.B.D. [1997] 1 W.L.R. 825

Preparation for hearings

Applications for leave to apply for judicial review—Bundle of relevant legislative provisions and statutory instruments to be lodged

Practice Direction (Crown Office List: Legislation Bundle), Q.B.D. [1997] 1 W.L.R. 52

PRACTICE—continued**Discontinuance, notice of***Pending action abroad*

Detention of aircraft at airport for non-payment of charges—Plaintiffs bringing proceedings for unlawful detention—Proceedings also in Brussels for breach of agreement relating to route charges—Plaintiffs applying to discontinue English proceedings—Whether application to be granted—Civil Jurisdiction and Judgments Act 1982, Sch. 1, arts. 21, 22

Internationale Nederlanden Aviation Lease B.V. v. Civil Aviation Authority,
Morison J. [1997] 1 Lloyd's Rep. 80

Discovery*Action for*

Third party supplying information causing employer to dismiss plaintiff—Employer refusing to disclose identity of informant or nature of allegations—Plaintiff seeking discovery against employer in order to bring action against third party—Whether discovery to be ordered

P. v. T. Ltd., Sir Richard Scott V.-C. [1997] 1 W.L.R. 1309; [1997] I.C.R. 887

Anton Piller order

Plaintiffs seeking leave to use disclosures in committal proceedings for breach of undertaking in separate action—Whether order including provisions likely to require defendant to incriminate himself liable to be set aside—Whether leave to be granted

Cobra Golf Inc. v. Rata, Rimer J. [1997] 2 W.L.R. 629

Continuing obligation

Documents acquired after discovery completed but before judgment—Plaintiff simultaneously involved in personal injuries action and family proceedings—Expert evidence on plaintiff's psychiatric condition—Evidence of plaintiff's improved condition given in family proceedings not disclosed in personal injuries action or on appeal therefrom—Whether plaintiff under continuing duty of disclosure—Whether Court of Appeal to rehear appeal—R.S.C., Ord. 24, r. 1

Vernon v. Bosley (No. 2), C.A. [1997] 3 W.L.R. 683

Inspection

Dispute under shipbuilding contract—Insurers entering into settlement agreement with insured and claiming against reinsurers—Whether documents relating to questions concerning insurers' liability under original policy and settlement negotiations relevant—Whether documents privileged—Whether reinsurers entitled to inspect documents

Commercial Union Assurance Co. Plc. v. Mander,
Moore-Bick J. [1996] 2 Lloyd's Rep. 640

Jurisdiction to order

Plaintiff relying on alleged residence of defendant in England—Plaintiff seeking orders against third parties to produce documents furnishing evidence of defendant's address—Whether court having power to order production of documents—Whether having jurisdiction to determine issue of jurisdiction in substantive matter—R.S.C., Ord. 38, r. 13

Canada Trust Co. v. Stolzenberg, C.A. [1997] 1 W.L.R. 1582

Privilege

Professional privilege—Vessel blown up in Gulf of Oman—War risks underwriters obtaining assignment of owners' rights against hull and machinery underwriters—Validity and effect of assignment to be tried as preliminary issue—Discovery to be limited to that issue—Whether plaintiffs able to plead legal professional privilege or common interest privilege—Categories of documents for which privilege claimed—Whether allowable

Hellenic Mutual War Risks Association (Bermuda) Ltd. v. Harrison,
Rix J. [1997] 1 Lloyd's Rep. 160

Relevance of documents

Partner and employee of defendant firm interviewed by Serious Fraud Office under statutory powers—Plaintiff seeking discovery of transcripts and tapes of interviews—Whether necessary for fair disposal of action—Whether documents protected by public interest immunity—Whether court to inspect documents when considering application for discovery—R.S.C., Ord. 24, r. 13

Wallace Smith Trust Co. Ltd. v. Deloitte Haskins & Sells, C.A. [1997] 1 W.L.R. 257

Use of documents

Implied undertaking not to use for other purposes—Documents disclosed to plaintiffs as defendants in criminal proceedings and used in open court—Plaintiffs bringing libel action based on documents—Whether plaintiffs subject to implied undertaking not to use disclosed documents for purposes other than criminal proceedings without leave of court—Whether action abuse of process

Mahon v. Rahn, C.A. [1997] 3 W.L.R. 1230

PRACTICE—continued**Discretion of court***Application against non-party*

Plaintiffs claiming damages for repudiation of charter—Defendants ordered to pay costs on indemnity basis—Plaintiffs unsuccessful in enforcing order—Plaintiffs claiming against P. & I. club—Club not party to litigation—Whether court to exercise discretion and order club to pay costs—Supreme Court Act 1981, s. 51

Tharros Shipping Co. Ltd. v. Bias Shipping Ltd. (No. 3),
C.A. [1997] 1 Lloyd's Rep. 246

Dismissal of action for want of prosecution*Long delay*

Defendant and plaintiff each responsible for part of delay—Whether proper to allocate prejudice to specific periods of delay—Whether fair trial still possible

Hunter v. Skingley, C.A. [1997] 1 W.L.R. 1466

Plaintiff's inactivity for over two years—No interest in actively pursuing litigation—Whether abuse of process

Grovit v. Doctor, H.L.(E.) [1997] 1 W.L.R. 640

Family proceedings*Ancillary relief*

Financial dispute resolution appointment—Disclosures not normally admissible in evidence—Family Proceedings Rules 1991 (as amended by Family Proceedings (Amendment No. 2) Rules 1997, r. 4), rr. 2.70–2.77

Practice Direction (Family Proceedings: Financial Dispute Resolution),
Fam.D. [1997] 1 W.L.R. 1069

Interpleader proceedings*Carriage of goods by sea*

Sellers ordering goods to be returned to them—Goods held in bonded storage—Shipowners incurring carriage and storage costs—Terms on which goods to be released—Whether shipowners entitled to interpleader relief

Hanjin Shipping Co. Ltd. v. Procter & Gamble (Philippines) Inc.,
Longmore J. [1997] 2 Lloyd's Rep. 341

Judgment by default*Injunction*

Statement of claim alleging infringement of copyright and seeking injunctive relief—Whether court retaining any discretion—Whether court entitled to set time limit to injunction—Whether court entitled to attach conditions to injunction—R.S.C., Ord. 19, r. 7(1)

Phonographic Performance Ltd. v. Maitra, Chadwick J. [1997] 3 All E.R. 673

Order for examination*Service out of the jurisdiction*

Defendant domiciled in Greece—Writ served within jurisdiction although service outside permissible without leave—Plaintiff obtaining judgment and order for examination of defendant as to assets—Order for examination served on defendant personally outside jurisdiction—Whether service effective—R.S.C., Ord. 11, rr. 1, 9(4)

Union Bank of Finland Ltd. v. Lelakis, C.A. [1997] 1 W.L.R. 590

Parties*Joinder*

Plaintiff company going into liquidation after commencement of action—Assignment of action to director—Director joined in action and obtaining legal aid—Whether assignment sham—Whether champertous or contrary to public policy—Whether void

Circuit Systems Ltd. v. Zuken-Redac (U.K.) Ltd., C.A. [1997] 1 W.L.R. 721

Sale of cargo of propane—Dispute as to contractual quality—Buyers claiming against sellers—Buyers obtaining leave to join shippers as second defendants and serve concurrent writ out of jurisdiction—Whether shippers necessary and proper party—Whether affidavit defective—Whether case not proper for service out of jurisdiction

Borealis A.B. v. Stargas Ltd., Waller J. [1997] 1 Lloyd's Rep. 635

Substitution

Plaintiff companies going into liquidation or receivership after commencement of actions—Directors beneficially interested in outcome of action—Assignment of actions to directors—Directors' applications for substitution and joinder made with legal aid—Whether assignments sham—Whether directors to be substituted as plaintiffs

Norglen Ltd. v. Reeds Rains Prudential Ltd., H.L.(E.) [1997] 3 W.L.R. 1177

PRACTICE—continued**Payment into court***Acceptance*

Action for inquiry into damages or account of profits—Plaintiff electing to take account of profits after payment in by defendant—Whether claim for damages subsisting—Whether payment out precluded—R.S.C., Ord. 22, r. 5

Braben v. EMAP Images Ltd., John Cherryman Q.C. [1997] 1 W.L.R. 1507

Pleadings*Striking out*

Counterclaim—Subject matter of counterclaim time-barred if brought by separate action—Balance of procedural convenience and justice in favour of striking out counterclaim—Whether to be struck out—R.S.C., Ord., 15, rr. 2, 3, 5(2); Ord. 81, r. 1

Ernst & Young v. Butte Mining Plc. (No. 2), Lightman J. [1997] 1 W.L.R. 1485

Order for further and better particulars of defence and counterclaim—Defendant's legal representatives not making submissions on application to strike out—Whether appropriate to strike out pleadings—Whether jurisdiction to entertain application by defendant to set aside order—Whether defendant bound by representatives—R.S.C., Ord. 32, r. 5

Hytec Information Systems Ltd. v. Coventry City Council, C.A. [1997] 1 W.L.R. 1666

Plaintiffs facing disciplinary proceedings on charge of taking prohibited drugs—Disciplinary proceedings instituted by defendants under International Tennis Federation rule—Allegation in statement of claim that rule void as unreasonable restraint of trade struck out—Whether right to do so—Whether plaintiffs to be permitted to plead rule contravening treaty—I.T.F. Rules, r. 53—E.E.C. Treaty, arts. 48, 59, 85

Wilander v. Tobin, Lightman J. [1997] 1 Lloyd's Rep. 195

C.A. [1997] 2 Lloyd's Rep. 293

Queen's Bench Division*Mercantile List*

Leeds and Newcastle upon Tyne District Registries—Commercial cases on North Eastern Circuit

Practice Direction (Mercantile Lists: Leeds and Newcastle upon Tyne), Q.B.D. [1997] 1 W.L.R. 219

Set-off*Contract*

Defendant occupying and managing plaintiffs' petrol station under licence agreements—Defendant agreeing to buy plaintiffs' petrol and to pay by direct debit—Defendant cancelling mandate after delivery but before payment—Plaintiffs suing for debt due—Defendant counterclaiming damages for repudiatory breach—Whether direct debit equivalent to cash—Whether set-off available—Whether plaintiff entitled to summary judgment

Eso Petroleum Co. Ltd. v. Milton, C.A. [1997] 1 W.L.R. 938

Stay of proceedings*Action brought outside limitation period*

Possibility of retrospective legislation removing time bar—Whether action to be stayed or struck out—R.S.C., Ord. 18, r. 19(1)

Sparks v. Harland, Sedley J. [1997] 1 W.L.R. 143

Jurisdiction

Clause in agreement providing for dispute resolution by way of expert determination—Court proceedings commenced claiming damages—Application for stay of court proceedings—Whether court having power to stay proceedings in absence of arbitration clause

Cott UK Ltd. v. F. E. Barber Ltd., Judge Hegarty Q.C. [1997] 3 All E.R. 540

Dispute under charterparty—English arbitration clause—Proceedings commenced by defendant in Algeria in respect of disputes agreed to be arbitrated in London—Whether plaintiff submitting to jurisdiction of Algerian court—Whether plaintiff entitled to interlocutory injunction restraining defendant from enforcing Algerian judgment—Whether court able to correct name of plaintiff

Industrial Maritime Carriers (Bahamas) Inc. v. Sinoca International Inc.,

Rix J. [1996] 2 Lloyd's Rep. 585

Reinsurers giving notice of cancellation—First defendants alleging surplus treaty reinsurance still in existence—Proceedings brought in Virgin Islands—Whether England more appropriate forum—Whether action to be stayed

HIB Ltd. v. Guardian Insurance Co. Inc., Longmore J. [1997] 1 Lloyd's Rep. 412

PRACTICE—continued**Stay of proceedings—continued***Jurisdiction clause*

Dispute under charterparty—Claim made under letters of undertaking containing exclusive English jurisdiction clause—Proceedings brought in Norway by second defendants to enforce two U.S. arbitration awards—Whether exclusive jurisdiction clause excluded by Convention—Whether English proceedings to be stayed—Civil Jurisdiction and Judgments Act 1982, Sch. 1, arts. 17, 22

Lexmar Corpn. v. Nordisk Skisrederforening, Colman J. [1997] 1 Lloyd's Rep. 289

Jurisdiction under European Convention

Action brought in England against French company—Plaintiffs seeking declaration that no contract existing between them and defendants—Defendants asserting existence of contract—Whether "matter relating to a contract"—Whether English court having jurisdiction—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 5(1)

Boss Group Ltd. v. Boss France S.A., C.A. [1997] 1 W.L.R. 351

Disputes in connection with sale of plaintiff's business—Proceedings by plaintiff in Spain claiming sums due under put option—Concurrent proceedings in England for damages for negligent misrepresentation—Whether English proceedings to be stayed—Whether English court to decline jurisdiction—Whether Spanish and English actions "related"—Whether "risk of irreconcilable judgments"—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 22

Sarrio S.A. v. Kuwait Investment Authority, H.L.(E.) [1997] 3 W.L.R. 1143

Legal aid factor

Conditional fee agreement—Plaintiff bringing action in England for damages for personal injuries sustained while employed by defendants in Namibia—Action having most real and substantial connection with Namibia—Whether availability of legal aid or conditional fee agreement relevant in determining appropriate forum for trial—Whether English action to be stayed—Legal Aid Act 1988, s. 31(1)(b)

Connelly v. R.T.Z. Corpn. Plc., H.L.(E.) [1997] 3 W.L.R. 373

Lis alibi pendens

Application to set aside default judgment—Plaintiff's accounts with defendant payable on demand—Defendant refusing to pay—Whether defendant entitled to interpleader relief—Whether defendant able to resist payment on ground of set-off

Meridien BIAO Bank G.m.b.H. v. Bank of New York,
Nicholas Strauss Q.C. and C.A. [1997] 1 Lloyd's Rep. 437

Writ*Application to set aside*

Vessel catching fire and sinking at port—Negotiations for removal of wreck with plaintiffs—Plaintiffs mobilising equipment—Contract awarded elsewhere—Plaintiffs claiming costs of mobilisation—Whether plaintiffs having good arguable case—Whether proper case for service—Whether order for service out of jurisdiction to be set aside—Whether claim against third defendants bound to fail—R.S.C., Ord. 11, r. 1(1)

Smit International Singapore Pte. Ltd. v. Kurnia Dewi Shipping S.A.,
Clarke J. [1997] 1 Lloyd's Rep. 552

Extension of time

Writ not for service out of jurisdiction—Expiry of writ—Whether plaintiff able to issue concurrent writ without extending validity of original writ—Whether defendant able to rely on limitation of time defence—Whether orders granting leave to serve out and extending validity of writ to be set aside

Arab Business Consortium International Finance and Investment Co. v. Banque Franco-Tunisienne, C.A. [1997] 1 Lloyd's Rep. 531

Service

Service on partnership—Writ suing partners in name of firm—Writ in envelope addressed to one partner inserted through letter box at business address—Whether service at "usual or last known address"—Whether valid service—R.S.C., Ord. 10, r. 1(2)(b); Ord. 81, r. 3(1)(a)

Robertson v. Banham & Co., C.A. [1997] 1 W.L.R. 446

Service out of jurisdiction

Application for leave to serve one of three defendants outside jurisdiction—Writ not yet served on defendant within jurisdiction—Whether service within jurisdiction condition of grant of leave to serve out—Whether irregularity curable by retrospective validation—R.S.C., Ord. 2, r. 1; Ord. 11, r. 1(1)(c)

Kuwait Oil Tanker Co. S.A.K. v. Al Bader, C.A. [1997] 1 W.L.R. 1410

PRACTICE—continued**Writ—continued***Service out of jurisdiction—continued*

Application to set aside—Cargo damaged by fire—Insurers issuing proceedings in Brazil—Whether in breach of arbitration clause—Whether plaintiffs having good arguable case against insurers to enforce arbitration agreement—Whether plaintiffs entitled to anti-suit injunction—Whether service out of jurisdiction to be set aside—R.S.C., Ord. 11, r. 1(1)(d) **Schiffahrtsgesellschaft Detlev Von Appen G.m.b.H. v. Voest Alpine Intertrading G.m.b.H.**, Morison J. [1997] 1 Lloyd's Rep. 179 C.A. [1997] 2 Lloyd's Rep. 279

PRISONS**Prisoners' rights***Release on licence*

Child offenders convicted of murder—Detention during Her Majesty's pleasure—Secretary of State fixing tariff period by application of policy adopted for adult life prisoners—Whether policy appropriate—Secretary of State taking representations of public opinion into account—Whether relevant—Children and Young Persons Act 1933, ss. 44(1) (as amended by Children and Young Persons Act 1969, s.72(4), Sch. 6), 53(1) (as substituted by Murder (Abolition of Death Penalty) Act 1965, s. 1(5))—Criminal Justice Act 1991, ss. 35(2)(3), 43 **Reg. v. Secretary of State for the Home Department, Ex parte Venables**, C.A. [1997] 2 W.L.R. 67 H.L.(E.) [1997] 3 W.L.R. 23

Mandatory life sentence prisoner—Penal element fixed by Secretary of State on basis of aggravating features of offence—Subsequent concession that aggravating features absent—No reduction of penal element—Whether Secretary of State entitled effectively to increase period in absence of exceptional circumstances

Reg. v. Secretary of State for the Home Department, Ex parte Pierson, H.L.(E.) [1997] 3 W.L.R. 492

Temporary release

Scheme for granting prisoners home leave—Secretary of State changing policy so as to defer opportunities for home leave—Whether prisoners deprived of legitimate expectations under previous policy—Whether right to respect for private and family life infringed—Prison Act 1952, as amended, s. 47(1)(5)—Convention for the Protection of Human Rights and Fundamental Freedoms (1953), art. 8

Reg. v. Secretary of State for the Home Department, Ex parte Hargreaves, C.A. [1997] 1 W.L.R. 906

PUBLIC HEALTH**Nuisance***Statutory nuisance*

Award of compensation for continuance of nuisance—Period for which compensation payable—Whether order properly made—Whether appropriate to impose fine in addition—Powers of Criminal Courts Act 1973, s. 35(1) (as substituted by Criminal Justice Act 1982, s. 67)—Environmental Protection Act 1990, s. 82(2)

Reg. v. Liverpool Crown Court, Ex parte Cooke, D.C. [1997] 1 W.L.R. 700

Damp and mould in council flat—Condition of premises prejudicial to tenant's health—Local authority pleading guilty to offence—Whether tenant also having cause of action for damages—Public Health Act 1936, ss. 92(1)(a), 94(2), 99

Issa v. Hackney London Borough Council, C.A. [1997] 1 W.L.R. 956

Pollution, control of*Controlled waste, transport of*

Vehicle hired by registered carrier transporting waste—Company owning vehicle not "registered carrier of controlled waste"—Whether waste transported by unregistered carrier—Control of Pollution (Amendment) Act 1989, s. 1(1)—Environmental Protection Act 1990, s. 34(1)(3) **Cosmick Transport Services Ltd. v. Bedfordshire County Council**, D.C. [1997] R.T.R. 132

Waste

Waste management licence imposing daily limitation on total capacity of waste deposited—Statutory exemptions from licensing requirement—Whether conditions of licence applicable to exempted activities—Environmental Protection Act 1990, s. 33—Waste Management Licensing Regulations 1994, reg. 17, Sch. 3, para. 13

London Waste Regulation Authority v. Drinkwater Sabey Ltd., D.C. (1996) 95 L.G.R. 220

PUBLIC HEALTH—continued**Statutory nuisance***Abatement notice*

Water authority's sewage outfalls polluting local authority's beaches—Local authority conducting investigations but deciding not "appropriate" to serve abatement notice—Whether local authority having statutory duty to serve abatement notice—Whether finding of appropriateness valid discharge of statutory duty—Environmental Protection Act 1990, s. 80

Reg. v. Carrick District Council, Ex parte Shelley, Carnwath J. (1996) 95 L.G.R. 620

PUBLIC POLICY**Administration of estates***Suicide*

Survivor of suicide pact claiming deceased's assets—Whether criminally complicit in suicide—Whether forfeiture rule applying to aiding and abetting suicide—Whether rule to be modified—Suicide Act 1961, s. 2(1)—Forfeiture Act 1982, s. 2(1)

Dunbar v. Plant, C.A. [1997] 3 W.L.R. 1261

RATING**Council tax** *see* LOCAL GOVERNMENT**Hereditament***Advertisement hoarding*

License to use flank wall of building granted to advertising contractor by occupier—Advertisements affixed to hoarding attached by batons to wall—Whether flank wall "land"—Whether right to use wall hereditament to be entered on rating list—Local Government Finance Act 1988, s. 64(2)(1)

O'Brien v. Secker, C.A. (1996) 95 L.G.R. 560

RESTRAINT OF TRADE**Commission agent***Salesman*

Agreement to pay commission to self-employed agent after termination of engagement—Payment conditional on agent not competing or reaching retirement age—Conditions void—Whether severable

Marshall v. N.M. Financial Management Ltd., C.A. [1997] 1 W.L.R. 1527; [1997] I.C.R. 1065

Employment*Industrial management*

Covenant restricting manager for a period after termination of employment "howsoever occasioned"—Whether unreasonable restraint of trade

Rock Refrigeration Ltd. v. Jones, C.A. [1997] I.C.R. 938

RESTRICTIVE PRACTICES**Restriction***Agreements registrable*

Agreement to supply milk—Term restricting purchaser from selling milk to supplier's customers—Whether restriction relating to milk supplied by supplier severable—Whether "term" relating exclusively to goods supplied—Whether agreement registrable—Restrictive Trade Practices Act 1976, s. 9(3), Sch. 3, para. 2

Associated Dairies Ltd. v. Baines, H.L.(E.) [1997] A.C. 524; [1997] 2 W.L.R. 364; [1997] I.C.R. 652

REVENUE**Capital gains tax***Computation of gain*

Bank loan of U.S. dollars repayable on fixed date—Forward contract to purchase dollars to repay loan—Depreciation of sterling—Whether difference between proceeds of forward contract and original purchase price of dollars chargeable gain—Whether single composite contract between borrower and bank, including binding understanding that proceeds of forward contract to be used to repay dollar loans

Whittles v. Uniholdings Ltd. (No. 2), C.A. (1996) 68 T.C. 528

Hire-purchase transaction—Payments in U.S. dollars over nine years—Consideration for disposal sterling equivalent, at date of transaction, of dollars to be received—Exchange rate fluctuations making receipts, expressed in sterling, lower than consideration figure—Whether part of consideration irrecoverable—Capital Gains Tax Act 1979, s. 40(2)

Goodbrand v. Loffland Brothers North Sea Inc., Lloyd J. (1996) T.C. Leaflet No. 3505

Loan by taxpayer company to subsidiary company—Promissory note eventually secured on real property—Whether "debt on a security"—Whether loss on repayment allowable loss—Capital Gains Tax Act 1979, ss. 82, 134

Taylor Clark International Ltd. v. Lewis, Robert Walker J. (1997) T.C. Leaflet No. 3514

REVENUE—continued**Capital gains tax—continued***Computation of gain—continued*

Personal representatives—Costs of valuing shares—Costs of negotiating and conducting appeal proceedings concerning value—Whether costs subsequent to initial valuation deductible—Taxes Management Act 1970, ss. 8(1), 12(1), 47(3)—Capital Gains Tax Act 1979, s. 32(2)(b) **Couch v. Caton's Administrators**, C.A. (1997) T.C. Leaflet No. 3532

Sale of shares in subsidiary company preceded by dividend reducing value of shares—Dividend funded by overdraft on security provided by parent company Sale involving payment by purchaser discharging overdraft—Whether consideration for disposal of shares including that payment—Income and Corporation Taxes Act 1970, s. 265—Capital Gains Tax Act 1979, ss. 31, 32

Spectros International Plc. v. Madden, Lightman J. (1996) T.C. Leaflet No. 3503

Shares in sub-subsidiaries sold by subsidiary to parent company in depreciatory transaction—Shares in subsidiary then disposed of to outside company—Loss to be reduced in view of depreciatory transaction—Whether indexation allowance to be taken into account—Income and Corporation Taxes Act 1970, s. 280

Tesco Plc. v. Crimmin, Sir Richard Scott V.-C. (1997) T.C. Leaflet No. 3527

Deductible expenditure

Option to buy land granted—Grantor to obtain release of restrictive covenants over land—Payment by grantee returnable if covenants not released—Whether consideration for grant of option net sum after allowing cost of obtaining release of covenants—Whether cost deductible expenditure—Capital Gains Tax Act 1979, s. 32

Garner v. Pounds Shipowners and Shipbreakers Ltd., Carnwath J. (1997) T.C. Leaflet No. 3513

Exemptions

Qualifying corporate bonds—Shares exchanged for loan notes subsequently exchanged for other shares—Amending provisions effectively deleting condition previously preventing categorisation as qualifying corporate bonds—Effect on cost of assets already owned—Whether amending provisions having effect that event treated as not involving disposal to be treated retrospectively as having involved disposal—Capital Gains Tax Act 1979, ss. 67, 78—Finance Act 1984, s. 64, Sch. 13, paras. 8–10—Finance Act 1989, s. 139

Jenks v. Dickinson, Neuberger J. (1997) T.C. Leaflet No. 3522

Private residence

Purchase of house—Decision to sell prior to completion—Brief residence in house—Whether residence relief applicable—Capital Gains Tax Act 1979, s. 101(1)

Goodwin v. Curtis, Sir John Vinelott (1996) T.C. Leaflet No. 3494

Retirement relief

Business assets—Land owned by taxpayer used for family company's business—Company paying rent—Land sold when business ceasing—Whether for retirement relief asset had to be business asset of person making disposal—Finance Act 1985, ss. 69, 70, Sch. 20, paras. 6, 10, 12

Plumbly v. Spencer, Lightman J. (1997) T.C. Leaflet No. 3510

Roll-over relief

Expenditure on new property—Whether derived from proceeds of disposal of old property—Capital Gains Tax Act 1979, ss. 115, 120

Cassell v. Crutchfield, Jonathan Parker J. (1996) T.C. Leaflet No. 3504

Part disposal—Purchase of land and buildings—Part later sold—Whether gain on part disposal to be rolled over against acquisition cost and enhancement expenditure attributable to retained part—Capital Gains Tax Act 1979, ss. 19(2), 35, 115, 118

Watton v. Tippet, C.A. (1997) T.C. Leaflet No. 3525

Corporation tax*Advance corporation tax*

Claim to carry back advance corporation tax—Company's business transferred to fellow subsidiary—Consideration outstanding on inter-company loan account—Company managing business without remuneration—Company later opening interest-bearing bank account—Whether company having accounting periods including period between transfer of business and opening of bank account—Income and Corporation Taxes Act 1988, ss. 5, 8, 9, 11, 12, 14, 239, 832(1)

Walker v. Centaur Clothes Group Ltd., Sir John Vinelott (1996) T.C. Leaflet No. 3501

REVENUE—continued**Corporation tax—continued***Capital allowances*

Development expenditure funded by grants—Whether body making grants public authority so that expenditure not to be regarded as having been incurred by developer—Capital Allowances Act 1990, s. 153(1) **McKinney v. Hagans Caravans (Manufacturing) Ltd.**, C.A.(N.I.) (1997) T.C. Leaflet No. 3531

First year allowances—Restriction of allowances—Exception for expenditure under contract made before 13 March 1984—Whether privatisation scheme having effect that transferee to be treated as purchaser under contracts entered into by transferor before 13 March 1984—Ordnance Factories and Military Services Act 1984, ss. 1, 2, 3, Sch. 1—Finance Act 1984, s. 58, Sch. 12, para. 2

Jukes v. S. G. Warburg & Co. Ltd., Lightman J. (1996) T.C. Leaflet No. 3479

First year allowances—Writing down allowances—Expenditure on carwash sites comprising wash hall building and surrounding areas—Whether each whole site plant—Finance Act 1971, ss. 41, 44—Capital Allowances Act 1990, ss. 22, 24

Attwood v. Anduff Carwash Ltd., C.A. (1997) T.C. Leaflet No. 3533

Industrial building or structure—Developer incurring expenditure on construction of retail warehouse unit on land in enterprise zone—Syndicate purchasing unit within two years of first use of unit—Purchasers deemed to have incurred expenditure on construction of unit—Calculation of syndicate members' allowances—Whether sum paid on purchase by syndicate members to be reduced on apportionment by reference to amount attributable to land value—Capital Allowances Act 1990, ss. 1, 10B, 20(1), 21(1), 21(3)

Bostock v. Totham, Sir John Vinelott (1997) T.C. Leaflet No. 3519

Industrial buildings allowance—Bank's data processing centre—Whether industrial building—Whether goods or materials subjected to process—Whether disqualified by reason of being office—Whether mill or other similar premises—Capital Allowances Act 1990, s. 18

Girobank Plc. v. Clarke, Lindsay J. (1996) T.C. Leaflet No. 3477

Industrial buildings allowances—Expenditure on warehouse used by one company in group as storage and distribution depot for goods delivered to shops of other group company—Whether warehouse used for purpose ancillary to purposes of retail shops—Whether industrial building—Capital Allowances Act 1968, s. 7

Sarsfield v. Dixons Group Plc., Lightman J. (1997) T.C. Leaflet No. 3507

Writing-down allowances—Expenditure on electricity substation—Whether whole structure plant—Finance Act 1971, s. 44—Capital Allowances Act 1990, s. 24

Bradley v. London Electricity Plc., Blackburne J. (1996) T.C. Leaflet No. 3491

Charge on income

Industrial provident society buying from local authority and managing housing stock—Object to provide affordable housing, but to make profitable returns—Seeking to carry forward excess charges on income—Whether society "investment company"—Income and Corporation Taxes Act 1988, s. 130

Cook v. Medway Housing Society Ltd., Lightman J. (1996) T.C. Leaflet No. 3502

Property investment company winding down business—Accumulated loan interest owing to ultimate parent company—Further loans made and advances used to pay off accrued interest and loan principal—Company left owning gilt-edged stock and money on deposit—Another property acquired to preserve status of investment company—Inspector considering first further loan accepting interest as charge on income and agreeing assessment under appeal be reduced to nil profits—Taxes Management Act 1970, s. 54—Income and Corporation Taxes Act 1988, ss. 75, 130, 338

MacNiven v. Westmoreland Investments Ltd., Carnwath J. (1997) T.C. Leaflet No. 3530

Deductible expenditure

Joint venture agreement involving taxpayer and two trading subsidiaries—Agreement to pay fee for 15 years—Agreement ending on payment of cancellation fee—Whether cancellation payment deductible—Whether revenue or capital payment—Whether expended wholly and exclusively for purposes of taxpayer's trade—Income and Corporation Taxes Act 1970, s. 130

Vodafone Cellular Ltd. v. Shaw, C.A. (1997) T.C. Leaflet No. 3515

REVENUE—continued**Corporation tax—continued***Double taxation relief* see **Income tax***Loss relief*

Losses resulting from application of double taxation treaty to exclude interest from profits—

Whether carry-forward of those losses disallowed—Finance Act 1976, s. 50(1)

Boote v. Banco do Brasil S.A., C.A. (1997) T.C. Leaflet No. 3509*Profits, computation of*

Life assurance business—Profits assessed on income minus expenses basis—Trading loss computed under Schedule D, Case I for same accounting period allowable—Whether management expenses deducted in computing trading loss also deductible in computation on I-E basis—Finance Act 1987, s. 41—Income and Corporation Taxes Act 1988, ss. 75, 76—Finance (No. 2) Act 1992, s. 65

Johnson v. Prudential Assurance Co. Ltd.,

Robert Walker J. (1996) T.C. Leaflet No. 3484

Training and Enterprise Council see **CHARITY: Charitable purposes****Customs and excise***Duty chargeable*

Hydrocarbon oils—Plaintiff claiming relief from payment of excise duty—Commissioners refusing relief—Whether plaintiff's use of oil qualifying for relief—Hydrocarbon Oil Duties Act 1979, ss. 6, 9

British Steel Plc. v. Customs and Excise Comrs., C.A. [1997] 2 All E.R. 366**Income tax***Appeal to High Court*

Estoppel—Main assessments resolved on basis that taxpayer self-employed—Further assessments on basis of self-employment—Whether open to taxpayer to appeal on grounds of being employed—Taxes Management Act 1970, s. 54

Barnett v. Brabyn, Lightman J. (1996) T.C. Leaflet No. 3486*Business expansion scheme relief*

Condition that claimant not connected with company in relevant period—Taxpayer connected with company early in relevant period, but not by time of claim—Whether condition satisfied—Income and Corporation Taxes Act 1988, ss. 289, 291, 292

Wild v. Cannavan, Evans-Lombe J. (1996) T.C. Leaflet No. 3481

C.A. (1997) T.C. Leaflet No. 3526

Double taxation relief

Claim for payment of tax credits by Netherlands company—Dividends paid to it by U.K. subsidiary—Whether non-resident parent company controlled by two or more connected persons—Income and Corporation Taxes Act 1988, ss. 416, 839—Double Taxation Relief (Taxes on Income) (Netherlands) Order 1980, art. 10(3)(c)(d)

Steele v. E.V.C. International N.V. (formerly European Vinyls Corpn. (Holdings) B.V.),

C.A. (1996) T.C. Leaflet No. 3485

Controlled foreign company—Charge to tax on apportionment of chargeable profits levied on U.K. parent—Whether charge precluded by double taxation agreement—Whether interest to be excluded from computation of controlled foreign company's chargeable profits—Whether assumption that controlled foreign company resident in U.K. precluded by it being resident elsewhere—Whether charge a charge of corporation tax—Income and Corporation Taxes Act 1988, s. 747, Sch. 24, para. 1—Double Taxation Relief (Taxes on Income) (Netherlands) Order 1961, art. 11

Bricom Holdings Ltd. v. Inland Revenue Comrs., C.A. (1997) T.C. Leaflet No. 3534

U.K. company in German silent partnership with wholly-owned German company in relation to dividends paid by German company's trading subsidiaries—Whether relief available for German trade tax paid by trading subsidiaries—Whether source of U.K. company's income partnership arrangement or dividends—Whether that income dividend income—Income and Corporation Taxes Act 1988, ss. 788, 790, 801—Double Taxation Relief (Taxes on Income) (Federal Republic of Germany) Order 1967—Double Taxation Relief (Taxes on Income) (Federal Republic of Germany) Order 1971

Memec Plc. v. Inland Revenue Comrs., Robert Walker J. (1996) T.C. Leaflet No. 3496

REVENUE—continued**Income tax—continued****Employment**

Benefit in kind—Employer paying for loft conversion as office in new employee's home—Conversion paid for in tax year preceding commencement of employment but conversion work done during that tax year—Rent in respect of loft payable by employer to employee—Whether benefit provided in that tax year or earlier—Whether benefit consisting in provision of accommodation for employee in premises occupied by employer—Income and Corporation Taxes Act 1988, ss. 154, 155(2)

Templeton v. Jacobs, Jonathan Parker J. (1996) T.C. Leaflet No. 3488

Benefits—Car—Two cars made available to employee for private use successively during year of assessment—Second car's business mileage lower than 2,500 per annum—Whether provision increasing cash equivalent where low business mileage applicable—Income and Corporation Taxes Act 1988, s. 157, Sch. 6

Henwood v. Clarke, Ferris J. (1997) T.C. Leaflet No. 3523

Benefits—Loans—Taxpayer controlling shareholder and employee—Loan from one company to another in nature of loan to taxpayer—Whether development expenditure defrayed by company taxable benefit—Whether unpaid balance distribution—Income and Corporation Taxes Act 1970, s. 233—Finance Act 1976, s. 66

Cassell v. Crutchfield, Jonathan Parker J. (1996) T.C. Leaflet No. 3504

Expenses—Charge to tax on benefit of private use of car provided by employer—Whether tax deductible expense—Income and Corporation Taxes Act 1988, s. 198(1)

Clark v. Bye, Sir Richard Scott V.-C. (1996) T.C. Leaflet No. 3506

Payment on termination of employment—Severance pay paid in year in which taxpayer non-resident—Whether tax chargeable although not within Cases under which tax charged by Schedule E—Income and Corporation Taxes Act 1970, ss. 181, 187, 188

Nichols v. Gibson, C.A. (1996) 68 T.C. 611

Expenses of employment Schedule E

Travel expenses—Taxpayer's services provided by company of which he and wife shareholders and directors—Company's registered office at home—Whether travel expenses between home and location of work deductible—Whether expenses necessarily incurred in performance of duties of office or employment—Income and Corporation Taxes Act 1988, s. 198

Miners v. Atkinson, Arden J. (1995) T.C. Leaflet No. 3500

Loss relief

Loss in first year of trade followed by profits in second and third year—Whether whole of first year's loss carried back, or only amount apportionable to fiscal year in which trade began—Meaning of "in . . . the year of assessment"—Income and Corporation Taxes Act 1988, s. 381(1)

Gascoine v. Wharton, Lindsay J. (1996) T.C. Leaflet No. 3498

Pension

Approved schemes—Transfer to scheme intended immediately to become unapproved and unapprovable scheme—Withdrawal of approval of old scheme—Whether withdrawal wrongful—Income and Corporation Taxes Act 1988, ss. 591B, 591C—Pensions Schemes Act 1993, s. 95—Occupational Pensions Schemes (Transfer Values) Regulations 1985 (as amended), reg. 2

Reg. v. Inland Revenue Comrs., Ex parte Roux Waterside Inn Ltd., Tucker J. (1997) T.C. Leaflet No. 3517

Returns by third party

Auctioneer in receipt of sale proceeds—Whether auctioneer liable to make returns—Taxes Management Act 1970, s. 13

Fawcett v. Special Comrs. and Lancaster Farmers Auction Mart Co. Ltd., C.A. (1996) T.C. Leaflet No. 3508

Schedule D, Case I

Deduction of expenses—Taxpayer's only motive on becoming publican to provide trade to earn living—Taxpayer required to reside in pub premises—Expenditure in relation to premises, including residential part—Whether whole of expenditure, rather than apportioned part, deductible in computing taxpayer's profits—Income and Corporation Taxes Act 1988, s. 74

McLaren v. Mumford, Rimer J. (1996) T.C. Leaflet No. 3493

Deductions—Fines imposed in disciplinary proceedings—Related legal fees—Whether deductible—Whether expenses wholly and exclusively laid out for purposes of trade—Whether losses connected with or arising out of trade—Income and Corporation Taxes Act 1970, s. 130(a)(e)

McKnight v. Sheppard, Lightman J. (1996) T.C. Leaflet No. 3487
C.A. (1997) T.C. Leaflet No. 3520

REVENUE—continued

Income tax—continued

Schedule D, Case I—continued

Technician for video and television working for partnership on agreed basis of self-employment—Whether employed or self-employed

Barnett v. Brabyn, Lightman J. (1996) T.C. Leaflet No. 3486

Schedule D, Case III

Investment income—Set off of trading losses against profits of subsequent year—Whether taxpayer in partnership with companies having losses—Whether losses available to be set off against taxpayer's investment income—Whether taxpayer trading in investments—Whether agreement for such treatment made with revenue—Taxes Management Act 1970, s. 54—Income and Corporation Taxes Act 1988, s. 385

Rigby v. Samson, Rattee J. (1997) T.C. Leaflet No. 3512

Settlement

Company reorganised so that wives of directors and ordinary shareholders becoming preference shareholders—Preference shares carrying limited rights—Whether creation of, application for, and allotment of, preference shares, settlement—Whether ordinary shareholders having power to revoke settlement—Whether exclusion from being settlement applicable because property given carrying rights to whole of income and not wholly or substantially right to income—Income and Corporation Taxes Act 1988, ss. 672, 674A, 681(4), 685

Young v. Pearce, Sir John Vinelott (1996) T.C. Leaflet No. 3482

Tax avoidance

Transfer of assets—Taxpayer ordinarily resident in United Kingdom—Transfer of company shares to non-resident trustee of settlement—Taxpayer beneficiary under settlement—Rights to dividends assigned to resident company for consideration—Resident company paying amount of dividend less commission to trustee—Whether tax avoidance scheme—Income and Corporation Taxes Act 1970, s. 478(1)

Inland Revenue Commissioners v. McGuckian, H.L.(N.I.) [1997] 1 W.L.R. 991

Trading profits

Computation—Sale proceeds received—Purchaser later claiming recovery as sale fraudulent—Proceeds not repaid—Whether proceeds chargeable income

Comr. of Income Tax v. Savundranayagam, P.C. (1957) 67 T.C. 239

Inheritance tax

Lifetime transfer

Transfer of freehold interest subject to leases in favour of donor—Whether property enjoyed to exclusion of donor—Whether property subject to reservation of benefit—Finance Act 1986, s. 102

Ingram v. Inland Revenue Comrs., C.A. [1997] 4 All E.R. 395

Interest on tax

Neglect

Capital gains tax—Return made late—Assessment made, but payment of part of tax postponed—Whether assessment made to make good loss of tax attributable to neglect—Whether events after making of assessment to be taken into account—Taxes Management Act 1980, s. 88(1)

Billingham v. Myers, C.A. (1996) 68 T.C. 512

Tax advantage

Transactions in securities

Term of development agreement involving pension fund trustee having put option—Proposal to exercise option discarded in favour of sale of company's shares to company, sale proceeds being paid out of distributed profits and tax credit resulting—Notice to counteract tax advantage—Whether pension trustee's exemption from tax having effect that trustee not obtaining "relief" from tax—Whether dividend comprising sale proceeds only or aggregate of proceeds and tax credit—Whether dividend abnormal—Income and Corporation Taxes Act 1988, ss. 20, 235, 236, 709(4)

Inland Revenue Comrs. v. Universities Superannuation Scheme Ltd.,

Sir John Vinelott (1996) T.C. Leaflet No. 3499

Tax avoidance

Transfer of assets abroad

Investment in offshore personal portfolio bond—Bond allowing investor continued control over investment policy—Whether anti-avoidance provision applicable to bond purchased by non-resident investor—Exemption provision where tax avoidance not purpose of transfer of assets—Whether facility for investment control making bond vehicle for tax avoidance—Income and Corporation Taxes Act 1988, ss. 739(1)(2), 741(a)

Inland Revenue Comrs. v. Willoughby, H.L.(E.) [1997] 1 W.L.R. 1071

REVENUE—continued**Value added tax***Fraudulent evasion*

Indictment—Count containing alternative particulars of offence—Whether jury to be directed to be unanimous on one of alternative particulars—Value Added Tax Act 1983, s. 39

Reg. v. Choudhury, C.A. [1996] 2 Cr.App.R. 484

Supply of goods or services

Consideration not wholly consisting of money—Company selling goods through hostesses at parties—Hostess entitled to discount on purchases or cash commission calculated by reference to volume of sales at party—Whether direct link between holding of party and sale of blouse to hostess at discount—Value Added Tax Act 1983, s. 10—Council Directive (77/388/E.E.C.), art. 11A(1)(a)

Rosgill Group Ltd. v. Customs and Excise Comrs., C.A. [1997] 3 All E.R. 1012

Travel services supplied by company established in one member state marketed through agent company in another member state—Circumstances where services taxable in state where agent situated—Council Directive (77/388/E.E.C.), art. 26(2)

Customs and Excise Comrs. v. DFDS A/S (Case C-260/95), E.C.J. [1997] 1 W.L.R. 1037

Taxable amount

Money-off, cash-back and voucher schemes for promoting sales of supplier's goods—Supplier ultimately receiving less than original price of goods—Whether consideration for supply amount received by supplier—Council Directive (77/388/E.E.C.), arts. 11(A)(1)(a), 11(C)(1)

Argos Distributors Ltd. v. Customs and Excise Comrs. (Case C-288/94), E.C.J. [1997] Q.B. 499; [1997] 2 W.L.R. 477

ROAD TRAFFIC**Accident***Duty to stop*

Motorist causing damage to stationary vehicle—Stopping 80 yards away and returning to damaged vehicle—Whether failing to "stop"—Road Traffic Act 1988, s. 170(1)(2)(b)(i)(3)(4) (as amended by Road Traffic Act 1991, s. 48, Sch. 4, para. 72)

McDermott v. Director of Public Prosecutions, D.C. [1997] R.T.R. 474

Breath specimen for analysis*Admissibility in evidence*

Operator believing machine not calibrated requiring blood sample—Motorist failing to provide blood sample—Machine found to be working properly—Whether breath specimen admissible—Road Traffic Act 1988, s. 7(1)(3)

Hague v. Director of Public Prosecutions, D.C. [1997] R.T.R. 146

Failure to provide specimen

Defendant suspected of suffering from drugs or mental disorder detained under Mental Health Act 1983—Police inquiries indicating defendant driving at time of detention—Custody sergeant, deciding defendant lucid, requiring breath specimen—Defendant's refusal—Whether detention precluding use of breath specimen procedure—Whether requirement properly made—Road Traffic Act 1988, ss. 4(1), 7(1)(6)—Mental Health Act 1983, s. 136

Francis v. Director of Public Prosecutions, D.C. [1997] R.T.R. 113

Lion Intoximeter 3000 device having three minute cycle for operation—Motorist making two attempts to provide specimen within one minute of cycle—No further attempt requested of motorist charged with failing to provide breath specimen without reasonable excuse—Whether motorist necessarily to be allowed full three minutes—Whether to be told he had three minutes at any stage of procedure—Road Traffic Act 1988, s. 7(1)(6)

Cosgrove v. Director of Public Prosecutions, D.C. [1997] R.T.R. 153

Motorist arrested, taken to police station and required there to provide breath specimen—Motorist kept in custody suite—Sergeant's threats intimidating motorist—Procedure subsequently carried out with motorist claiming to be unable to provide specimen—Whether mental anguish caused by sergeant's oppressive behaviour "reasonable excuse"—Road Traffic Act 1988, s. 7(6)

Director of Public Prosecutions v. Brodzky (Note), D.C. [1997] R.T.R. 425

Lion Intoximeter 3000

Malfunctioning of device's clock—Whether vitiating accuracy of statement produced by device—Police and Criminal Evidence Act 1984, s. 69(1)

Director of Public Prosecutions v. McKeown, H.L.(E.) [1997] 1 W.L.R. 295

ROAD TRAFFIC—continued**Breath specimen for analysis—continued***Right to provide blood or urine*

Breath specimen containing not more than 50 microgrammes of alcohol in 100 millilitres of breath—Constable not informing motorist expressly that blood, if selected, would be taken by doctor—Motorist declining to exercise option—Justices convicting motorist of driving with excess breath-alcohol—Crown Court rejecting motorist's appeal against conviction—Holding by Crown Court that omission to state all matters in *Warren* formula not prejudicing motorist—Whether Crown Court right—Road Traffic Act 1988, ss. 7(1)(3)(4), 8(1)(2)

Robinson (Dena) v. Director of Public Prosecutions (Note), D.C. [1997] R.T.R. 403

Breath specimen containing not more than 50 microgrammes of alcohol in 100 millilitres of breath—Constable not informing motorist expressly that blood, if selected, would be taken by doctor—Refusal by motorist to exercise option—Justices convicting motorist of driving with excess breath-alcohol—Whether constable's omission invalidating statutory procedure—Whether conviction to be quashed—Road Traffic Act 1988, ss. 7(4), 8(2)

Fraser v. Director of Public Prosecutions, D.C. [1997] R.T.R. 373

Breath specimen containing not more than 50 microgrammes of alcohol in 100 millilitres of breath—Constable's decision to require blood—Motorist not told right to object to giving blood for medical reasons only to be determined by medical practitioner—Whether failure to comply with necessary criteria—Whether adequate factual evidence of constable's suspicion of defendant being unfit to drive—Road Traffic Act 1988, ss. 4(6), 7(4), 8(2)

Joiner v. Director of Public Prosecutions (Note), D.C. [1997] R.T.R. 387

Breath specimen containing not more than 50 microgrammes of alcohol in 100 millilitres of breath—Constable's ex concessis failure to comply with necessary five criteria in full—Whether appeal against conviction to be allowed—Road Traffic Act 1988, ss. 7(4), 8(2)

Brennan v. Director of Public Prosecutions (Note), D.C. [1997] R.T.R. 384

Breath specimen containing not more than 50 microgrammes of alcohol in 100 millilitres of breath—Constable's failure to tell motorist blood specimen to be taken by doctor unless doctor considering medical reasons existing for not taking blood—Motorist not expressly told medical reasons to be decided by doctor not police officer—Whether statute requiring option to be fairly, properly and effectively put for motorist to make informed decision whether to claim option—Road Traffic Act 1988, ss. 7(4), 8(2), 11(4), 15(4)

Gorman v. Director of Public Prosecutions (Note), D.C. [1997] R.T.R. 409

Breath specimen containing not more than 50 microgrammes of alcohol in 100 millilitres of breath—Constable's failure to tell motorist of possible prosecution on breath-alcohol exceeding prescribed limit—Driver told alcohol proportion in breath exceeding statutory limit—Whether verbal variations of *Warren* formula affording opportunity for exercise of legal ingenuity possibly leading to unmeritorious acquittals—Road Traffic Act 1988, ss. 7(4), 8(2)

Director of Public Prosecutions v. Ormsby (Note), D.C. [1997] R.T.R. 394

Breath specimen containing not more than 50 microgrammes of alcohol in 100 millilitres of breath—Police officer not informing motorist of prescribed limit and of motorist exceeding limit—No statement about blood being taken by medical practitioner—Motorist not informed of only right to object being for medical reasons—Whether sufficiently detailed formula—Road Traffic Act 1988, ss. 5(1)(a), 7(4), 8(2)

Chatelard v. Director of Public Prosecutions, D.C. [1997] R.T.R. 362

Careless driving*Causing death having consumed excess alcohol*

Sentence—Driving at excess speed while over limit—Collision causing death result of momentary lapse—Whether three years' imprisonment appropriate for offence—Driver aged 64 with serious heart problem—Whether sentence to be reduced—Road Traffic Act 1988, s. 3A (as inserted by Road Traffic Act 1991, s. 3)

Reg. v. Adames, C.A. [1997] R.T.R. 110

Dangerous driving*Causing death by*

Dangerous condition of vehicle—Responsibilities of owner/operator and employed driver of vehicle—Question of latent defect being obvious—Whether direction to be given about material facts—Road Traffic Act 1988, ss. 1, 2A (as inserted by Road Traffic Act 1991, s. 1)

Reg. v. Roberts (David), C.A. [1997] R.T.R. 462

ROAD TRAFFIC—continued**Dangerous driving—continued***Causing death by—continued*

Diabetic motorist subject to hypoglycaemic episodes—Attack occurring causing motorist's car to collide with oncoming vehicle and killing driver—Whether attacks causing unconsciousness circumstances of which driver expected to be aware—Whether driver in dangerously defective state—Whether automaton—Road Traffic Act 1988, ss. 1, 2A(1)(2)(3)

Reg. v. Marison, C.A. [1997] R.T.R. 457

Police car driven by experienced officer in pursuit of vehicle suspected of being stolen—High speed on dual carriageway subject to 40 m.p.h. speed limit—Entering roads controlled by traffic lights—Police cars controlling two entries to dual carriageway and stationary at fourth entry—Doubly fatal collision between police car and vehicle entering from fourth entry—Police driver convicted by jury of causing two deaths by dangerous driving—Whether jury directed properly about factors for consideration—Road Traffic Act 1988, ss. 1, 2A(1)(3) (as substituted by Road Traffic Act 1991, s. 1)

Reg. v. Collins (Lezlie), C.A. [1997] R.T.R. 439

Sentence—Error of judgment by experienced and highly qualified police driver—Three months immediate imprisonment concurrent on each of two counts of causing death by dangerous driving—Whether excessive—Whether ill-judged penalties on police officers detrimental to public interest

Reg. v. Collins (Lezlie), C.A. [1997] R.T.R. 439

Sentence

Road rage—Stationary bicyclist and motorist in altercation—Motorist driving car into collision with stationary bicyclist at roadside—Immediate imprisonment imposed on motorist with impeccable previous record—Whether imprisonment to be expected—Road Traffic Act 1988, s. 2

Reg. v. Kennion, C.A. [1997] R.T.R. 421

Disqualification*Driving while disqualified*

Driver confessing offences to traffic examiner—Traffic examiner providing report to senior traffic examiner—Evidential printout of driver's file obtained from D.V.L.C.—Senior traffic examiner deciding to prosecute driver—More than six months elapsing between traffic examiner's knowledge of offences and laying of informations—Whether traffic examiner "prosecutor"—Whether informations timeously laid—Magistrates' Courts Act 1980, s. 127(1)—Road Traffic Act 1988, s. 66A(1)—Road Traffic Offenders Act 1988, s. 6

Swan v. Vehicle Inspectorate, D.C. [1997] R.T.R. 187

Evidence—Admission, fingerprints and person present on previous trial—Whether exhaustive—Whether requirement to establish identity even with certificate of conviction—Whether need to forge triple link—Whether challenge to be by way of case stated—Police and Criminal Evidence Act 1984, s. 73(1)

Reg. v. Derwentside Justices, Ex parte Swift, D.C. [1997] R.T.R. 89

Evidence—Arresting police officer's evidence of arresting motorist for previous motoring offence—Officer not present at motorist's previous conviction—Certificate produced of conviction and disqualification of motorist with identical name—No formal admission or evidence to establish identical offender on both occasions—Whether justices bound to dismiss charge—Whether dismissal error of law—Whether sufficiency of evidence for determination by justices

Director of Public Prosecutions v. Mansfield, D.C. [1997] R.T.R. 96

Evidence—Court's register showing disqualified driver with same name and date of birth as accused—Strict proof of accused being same person as entry on register—Whether necessary—Police and Criminal Evidence Act 1984, s. 73(1)(4)—Magistrates' Courts Rules 1981, r. 68

Reg. v. Derwentside Justices, Ex parte Heaviside, D.C. [1996] R.T.R. 384

Evidence—Driver informally admitting disqualification in interview—Whether justices to take admission into account—Whether sufficient proof of accused being same person as entry on court's register—Police and Criminal Evidence Act 1984, s. 73(1)—Magistrates' Courts Rules 1981, r. 68

Director of Public Prosecutions v. Mooney, D.C. [1997] R.T.R. 434

Driving with excess alcohol*Defence*

Whether insanity available as defence in summary trial—Whether defence to charge of driving with excess alcohol—Road Traffic Act 1988, s. 5(1)

Director of Public Prosecutions v. H., D.C. [1997] 1 W.L.R. 1406

ROAD TRAFFIC—*continued***Goods vehicle***Tachograph recording equipment*

Exemption for "vehicles used in connection with . . . refuse collection and disposal . . . services"—Whether applying to vehicle used in business of delivering and collecting skips—Transport Act 1968, s. 97(1)(a)(iii)—Council Regulation (E.E.C.) No. 3820/85, art. 4(6)—Council Regulation (E.E.C.) No. 3821/85, art. 3(1)

Swain v. McCaul, D.C. [1997] R.T.R. 102

Tachograph records see **CRIME: Aiding and abetting**

Licence*Motor vehicle*

Greek licence holder resident for more than one year in Germany—Requirement by host member state for driver to apply for exchange of driving licence by Greece for licence by Germany—Driver's failure to comply—Charge of criminal offence of driving without licence—Penalty of imprisonment or fine—Whether requirement of host state for exchange of driving licence contravening Community law—Whether penalties disproportionate to offence—E.C. Treaty, art. 52

Criminal proceedings against Skanavi (Case C-193/94), E.C.J. [1997] R.T.R. 344

Motor vehicle*Aggravated vehicle-taking*

Car taken without permission—Accident caused through no fault of driver—Whether aggravated vehicle-taking—Theft Act 1968, s. 12A(1)(b)

Reg. v. Marsh (William), C.A. [1997] R.T.R. 195; [1997] 1 Cr.App.R. 67

Manner of driving

Wanton or furious driving causing bodily harm—Ingredients of offence—Mens rea—Judge's direction to jury as to driver's knowledge of risk involved in manner of driving—Whether appropriate—Offences against the Person Act 1861, s. 35

Reg. v. Okosi, C.A. [1997] R.T.R. 450

Road*Car park*

Multi-storey car park—Passenger injured in car parked in bay—Way through car park used for driving to and from parking spaces and not as route from one road to another—Whether parking spaces integral with roadway—Whether injury arising out of use of motor vehicle on "road"—Road Traffic Act 1988, s. 192

Cutter v. Eagle Star Insurance Co. Ltd., C.A. [1997] 1 W.L.R. 1082

Unrestricted use of route through car park by public on foot—Whether car park "road"—Whether necessary to show use by wheeled traffic—Road Traffic Act 1988, s. 192

Clarke v. Kato, C.A. [1997] 1 W.L.R. 208

Road transport

Controlled waste see **PUBLIC HEALTH: Pollution, control of**

Special type of vehicle*"Refuse collection and disposal"*

Use by private undertaking of vehicles to dispose of industrial and special household waste on behalf of local authorities—Waste transported by vehicles to collection points and on to final disposal sites—Private company owning and using vehicles for clearing and transporting industrial and commercial waste—Whether "vehicles used in connection with . . . refuse collection and disposal"—Whether exempt from regulation of drivers' hours—Council Regulation (E.E.C.) No. 3820/85, art. 4(6)—Council Regulation (E.E.C.) No. 3821/85, art. 3(1)

In re Mrozek and Jäger (Case C-335/94), E.C.J. [1997] R.T.R. 238

Third party insurance*Liability*

Owner parking car on running out of petrol negligently crossing road to seek help—Driver of oncoming vehicle injured in resulting collision—Whether owner's insurance company liable for oncoming driver's injuries—Whether injuries "arising out of" owner's use of car—Whether motive for crossing road relevant—Road Traffic Act 1988, s. 145(1)(3)(a)

Dunthorne v. Bentley, C.A. [1996] R.T.R. 428

ROAD TRAFFIC—continued**Traffic regulation***Heavy commercial vehicles*

Access to landfill site through village—Experimental traffic order banning use of heavy commercial vehicles on access road—Whether proper use of power to make experimental traffic orders—Whether need for reasonable access to site relevant consideration—Road Traffic Regulation Act 1984, ss. 9(1), 122

U.K. Waste Management Ltd. v. West Lancashire District Council,
Carnwath J. [1997] R.T.R. 201; 95 L.G.R. 484

Traffic sign*Road marking*

Taxi driver stopping to collect fare at side of road marked with double white line in centre—Places available for taxi to draw off road—Whether permissible to stop only if vehicle not able to be used for purpose of enabling person to board without stopping on that length of road—Road Traffic Act 1988, s. 36(1)—Traffic Signs Regulations and General Directions 1994, reg. 26(2)(a)(3)(a)

McKenzie v. Director of Public Prosecutions, D.C. [1997] R.T.R. 175

Use on road*"Use"*

Pillion passenger on motorcycle knowing driver to be uninsured—Passenger allowing himself to be carried in pursuance of joint enterprise—Driver involved in accident resulting in injuries to passenger—Whether passenger "a person using the vehicle"—Whether exercising sufficient degree of control or management of vehicle—Whether Motor Insurers' Bureau liable to passenger—Road Traffic Act 1988, ss. 143(1), 145(1)(3)—Motor Insurers' Bureau (Compensation of Victims of Uninsured Drivers) Agreement (1972), cl. 1, 2, 6(1)(c)

Hatton v. Hall, C.A. [1997] R.T.R. 212

RYLANDS v. FLETCHER**Fire damage***Mooring barge and passenger vessel*

Fireworks display on Thames—Source and causation of fire—Whether first defendants liable in nuisance and under *Rylands v. Fletcher*—Whether damage to vessels caused by second defendants' negligent failure to extinguish initial fire on mooring barge—Contribution between defendants

Crown River Cruises Ltd. v. Kimbolton Fireworks Ltd.,
Potter J. [1996] 2 Lloyd's Rep. 533

SAINT VINCENT AND THE GRENADINES**Constitution***Parliament*

Constitutional provision requiring boundaries commission to be appointed after census of population—Failure to appoint commission before general election—Proceedings for alleged constitutional infringement—Whether unsuccessful candidates having locus standi—Whether court having jurisdiction to grant declaratory relief—Saint Vincent Constitution Order 1979, Sch. 1, ss. 33(1)(3)(a)(4), 36(1), 96(1)(5)(7)

Russell v. Attorney-General for Saint Vincent and the Grenadines,
P.C. [1997] 1 W.L.R. 1134

SALE OF GOODS**Contract***Construction*

British jet aviation fuel specification—Whether jet fuel within specification—Whether "user" referring to buyers—Whether sellers in breach of contract

Trasimex Holding S.A. v. Addax B.V., Rix J. [1997] 1 Lloyd's Rep. 610

Description*Fundamental mistake*

Sale of cotton extractions and cotton expellers—Certificates of analysis issued—Parties agreeing that results transposed—Buyers alleging agreement entered into as result of fundamental mistake—Whether agreement null and void

Grains & Fournages S.A. v. Huyton, Mance J. [1997] 1 Lloyd's Rep. 628

F.o.b.*Letter of credit*

Contract for sale of wheat—Payment to be by irrevocable letter of credit—Sellers alleging letter of contract non-contractual—Term providing that payment to be made against bills of lading marked "freight pre-paid"—Whether sellers justified in failing to load vessel

Glencore Grain Rotterdam B.V. v. Lebanese Organisation for International Commerce (Lorico), Longmore J. [1997] 1 Lloyd's Rep. 578
C.A. [1997] 2 Lloyd's Rep. 386; [1997] 4 All E.R. 514

SETTLEMENT**Construction***Class gift*

Gift to children of beneficiary “now living or hereafter to be born” who attain 21—Beneficiary having four children becoming incapable of fathering further issue—Children attaining 21 before beneficiary’s death—Whether children becoming absolutely entitled as against trustee on beneficiary’s death or at some earlier date—Whether regard to be had to impossibility of beneficiary fathering further children—Whether trustee properly assessed to capital gains tax—Capital Gains Tax Act 1979, s. 54(1)

Figg v. Clarke, Blackburne J. [1997] 1 W.L.R. 603

SHIPPING**Bill of lading***Freight prepaid*

Sub-charterers paying freight to time charterers—Time charterers failing to pay hire—Whether “freight prepaid” bills precluding owners from claiming freight from sub-charterers—Whether freight agreed to be paid as stipulated in charter and not to owners

India Steamship Co. v. Louis Dreyfus Sugar Ltd., Rix J. [1997] 1 Lloyd’s Rep. 52

Mate’s receipt

Cargo of salt contaminated—Master failing to clause mate’s receipt—Clean bill of lading issued—Time charterers claiming damages—Whether implied term that master under duty to clause mate’s receipts for cargo shipped if not in apparent good order and condition

Trade Star Line Corpn. v. Mitsui & Co. Ltd.,
Tuckey J. and C.A. [1996] 2 Lloyd’s Rep. 449

Seaworthiness

Fire on board vessel damaging plaintiffs’ cargo—Whether welding operations carried out on deck—Whether vessel unseaworthy—Whether fire caused with actual fault or privity of owners—Whether owners in breach of Hague-Visby Rules—Whether owners could rely on art. IV, r. 2—Hague-Visby Rules, art. III, rr. 1, 2, art. IV, r. 2

A. Meredith Jones & Co. Ltd. v. Vangemar Shipping Co. Ltd.,
C.A. [1997] 2 Lloyd’s Rep. 241

Time bar

Cargo damaged by fire—Action within time for negligence and breach of statutory duty—Limitation period under Hague Rules expiring—Application to amend statement of claim to include claim in contract—Whether “suit . . . brought” when action commenced in tort—Whether suit to be brought against contracting carriers as such—Whether amendments to be allowed—Hague Rules, art. III, r. 6

Anglo Irish Beef Processors International v. Federated Stevedores Geelong,
Victoria Court of Appeal [1997] 1 Lloyd’s Rep. 207

Charter incorporating U.S.A. clause paramount—Vessel delayed by engine problems—Charterers bringing in substitute cargo—Whether charterers’ claim in respect of cargo carried—Whether claim time-barred—Whether English or U.S. law applicable—Whether application for extension of time to be granted

Mauritius Oil Refineries Ltd. v. Stolt-Nielsen Nederlands B.V.,
Rix J. [1997] 1 Lloyd’s Rep. 273

Exclusive jurisdiction clause for disputes to be referred to courts in South Korea—Vessel suffering casualty and salvage service rendered—Plaintiffs disputing rateable proportion of liability for salvage—English writ issued promptly—Claim time-barred in South Korea—Whether jurisdiction clause to be enforced—Whether English courts having jurisdiction

Mahavir Minerals Ltd. v. Cho Yang Shipping Co. Ltd.,
Rix J. [1997] 1 Lloyd’s Rep. 566

Title to sue

Plaintiffs’ goods shipped on third party’s vessel—Goods disappearing from first defendants’ warehouse—Whether plaintiffs having title to sue—Whether first defendants liable in bailment and owing duty of care to plaintiffs—Whether National Association of Warehouse Keepers’ conditions unreasonable within meaning of statute—Whether first defendants entitled to limit liability—Whether first defendants entitled to be indemnified by third party—Unfair Contract Terms Act 1977, ss. 2, 3, 11

Sonicare International Ltd. v. East Anglia Freight Terminal Ltd. (Neptune Orient Lines Ltd., Third Party), Judge Hallgarten Q.C. [1997] 2 Lloyd’s Rep. 48

SHIPPING—continued**Charterparty***Cargo retention clause*

Vessel discharging cargo of oil—Cargo surveyors issuing documents relating to cargo remaining on board—Whether documents provided determination or estimates entitling charterers to make deductions from freight—Whether charterers entitled to deduct from freight if no determination or estimate by independent surveyor

Potank Shipping Inc. v. Total Transport Corpn., Thomas J. [1997] 2 Lloyd's Rep. 42

Demurrage

Dispute as to delay at loading port—Owners claiming demurrage—Whether claim time-barred—Whether owners' time for commencing arbitration to be extended—Arbitration Act 1950, s. 27

Evergos Naftiki Eteria v. Cargill Plc., Judge Diamond Q.C. [1997] 1 Lloyd's Rep. 35

Notice of readiness—Notice tendered outside hours stipulated by charter—Whether notices legal nullities—Whether notice taking effect when stipulated hours began so that laytime began then

Galaxy Energy International Ltd. v. Novorossiysk Shipping Co., Longmore J. [1997] 1 Lloyd's Rep. 284

Repudiation

Contracts for charter of plaintiffs' vessels—Management company charters—Whether defendant personally liable on charters—Quantification of claim—Claims as to hire, Italian dues and damages

Petroleum Shipping Ltd. v. Vatis (trading as Kronos Management), Timothy Walker J. [1997] 2 Lloyd's Rep. 314

Time charter

Cancellation—Vessel chartered for one time charter trip—Charterers failing to identify where delivery to take place—Vessel not delivered by cancelling date—Whether charterers entitled to cancel charter—Whether failure to have on board bunkers in quantities complying with provisions in charter justifying charterers in cancelling charter

Georgian Maritime Corpn. v. Sealand Industries (Bermuda) Ltd., Mance J. [1997] 2 Lloyd's Rep. 324

Deck cargo clause—Charterers' risk and expense—Construction—Vessel encountering heavy weather—Deck cargo shifting—Restowage of relevant items—Whether whole risk and expense of casualty falling on charterer—Whether interim arbitration award in favour of owners to be varied or set aside

L.D. Seals N.V. v. Mitsui Osk Lines Ltd., Mance J. [1997] 1 Lloyd's Rep. 42

Hire—Vessel delayed by port authority because of presence of residue sweepings on board—Whether vessel "off-hire" by reason of "any other cause"—Whether authority's reaction ejusdem generis to named cause of detention by average accident—Whether full working of vessel prevented

Andre & Cie S.A. v. Orient Shipping (Rotterdam) B.V., Rix J. [1997] 1 Lloyd's Rep. 139

Repudiation—Construction of telexes exchanged by parties—Charterers advising owners of inability to perform charter—Whether charterers in repudiatory breach—Whether owners affirming charter

Yukong Line Ltd. of Korea v. Rendsburg Investments Corpn. of Liberia, Moore-Bick J. [1996] 2 Lloyd's Rep. 604

Wrongful detention—Vessel chartered for "duration about 70/80 days without guarantee"—Voyage lasting over 103 days—Owners claiming for wrongful detention—Whether estimate made in good faith—Whether reasonable—Whether charterers liable for wrongful detention

Continental Pacific Shipping Ltd. v. Deemand Shipping Co. Ltd., Longmore J. [1997] 1 Lloyd's Rep. 404

Collision*Crossing vessels*

Collision in River Great Ouse in Lynn Cut—Whether collision caused by negligence of defendants—Whether plaintiff's vessel at fault—Apportionment of liability—Nautical assessors—Admissibility of expert evidence—Costs where no counterclaim

The Antares II, Geoffrey Brice Q.C. [1996] 2 Lloyd's Rep. 482

Conflict of laws*Exclusive jurisdiction clause*

Alleged damage to cargo—Disputes to be decided in Germany—Effect of Brussels Convention and Arrest Convention—Whether English courts having jurisdiction—Whether proceedings to be set aside—Civil Jurisdiction and Judgments Act 1982, Sch. 1, arts. 17, 57—International Convention Relating to the Arrest of Seagoing Ships (the Arrest Convention) 1952, art. 7

The Bergen, Clarke J. [1997] 1 Lloyd's Rep. 380

SHIPPING—continued**Freight forwarders** *see* AGENCY: Forwarding agents**Limitation of liability***Carrier's liability*

Bills of lading stating number of containers and quantifying packages loaded therein—Vessel stranding with total loss of cargo—Whether container to be treated as sole package—Whether shipowners entitled to limit liability by reference to number of containers—Whether enumeration in bill of lading conclusive as to contents of containers—Carriage of Goods by Sea Act 1924, Sch., art. IV, r. 5

River Gurara (Owners of cargo lately laden on board) v. Nigerian National Shipping Line Ltd., C.A. [1997] 3 W.L.R. 1128

Sale of ship*Order prohibiting dealing with ship*

Inquiry into damages—Defendant alleging damages suffered in complying with injunction—No express undertaking in damages given by plaintiff—Whether undertaking to be implied—Whether court having power to order person wrongly invoking process of court to pay damages for resulting loss

Hughes v. Clewley, Jersey Royal Court [1996] 2 Lloyd's Rep. 667

Ownership of vessel

Sale of ship to third party—Whether valid transfer of ownership and registry—Whether agreement to dissolve joint venture—Allegation of subsequent agreements—Ostensible authority to sell—Same points raised in English and Israeli courts—Whether issue estoppel arising—Fraud on company—Whether alleged transfer of ownership and registry sham made pursuant to and to give effect to fraud on plaintiffs—Whether plaintiffs retaining ownership of vessel—Inherent jurisdiction of court to rectify register of ships—Whether diving equipment on board property of plaintiffs

Glatzer and Warrick Shipping Ltd. v. Bradston Ltd., Geoffrey Brice Q.C. [1997] 1 Lloyd's Rep. 449

Shipbuilding*Contract*

Contract for building six ships—Buyers failing to pay second instalment—Yard exercising right to rescind contract and claim damages—Damages to be assessed in accordance with contractual terms—Whether open to yard to amend pleadings to allege anterior repudiatory breach and claim damages at common law

Stocznia Gdanska S.A. v. Latvian Shipping Co., Colman J. [1997] 2 Lloyd's Rep. 228

SHIPS' NAMES*Antares II**Apostolis**Arctic Trader**Berge Sisar**Bergen**Bowbelle**Darya Tara**Eastern Trader**Frotanorte**Gilbert Rowe**Halki**Happy Fellow**Indian Endurance**Indian Grace**Indian Reliance**Kalingrad**Kommunar*

The Antares II, Geoffrey Brice Q.C. [1996] 2 Lloyd's Rep. 482

A. Meredith Jones & Co. Ltd. v. Vangemar Shipping Co. Ltd.,

C.A. [1997] 2 Lloyd's Rep. 241

Trade Star Line Corp. v. Mitsui & Co. Ltd.,

Tuckey J. and C.A. [1996] 2 Lloyd's Rep. 449

Borealis A.B. v. Stargas Ltd., Waller J. [1997] 1 Lloyd's Rep. 635

The Bergen, Clarke J. [1997] 1 Lloyd's Rep. 380

Ross v. Bowbelle (Owners), C.A. [1997] 1 W.L.R. 1159

L.D. Seals N.V. v. Mitsui Osk Lines Ltd.,

Mance J. [1997] 1 Lloyd's Rep. 42

Industrial Maritime Carriers (Bahamas) Inc. v. Sinoca International Inc.,

Rix J. [1996] 2 Lloyd's Rep. 585

Frota Oceanica Brasileira S.A. v. Steamship Mutual Underwriting Association

(Bermuda) Ltd., C.A. [1996] 2 Lloyd's Rep. 461

Rowan Companies Inc. v. Lambert Eggink Offshore Transport Consultants VOF,

Clarke J. [1997] 2 Lloyd's Rep. 218

Halki Shipping Corp. v. Sopex Oils Ltd., Clarke J. [1997] 1 W.L.R. 1268

The Happy Fellow, Longmore J. [1997] 1 Lloyd's Rep. 130

Republic of India v. India Steamship Co. Ltd. (No. 2), C.A. [1997] 2 W.L.R. 538

H.L.(E.) [1997] 3 W.L.R. 818

Republic of India v. India Steamship Co. Ltd. (No. 2), C.A. [1997] 2 W.L.R. 538

H.L.(E.) [1997] 3 W.L.R. 818

India Shipping Co. v. Louis Dreyfus Sugar Ltd., Rix J. [1997] 1 Lloyd's Rep. 52

The Nadezhda Krupskaya, Rix J. [1997] 2 Lloyd's Rep. 35

Centro Latino Americano de Comercio Exterior S.A. v. Owners of the Ship

Kommunar, Clarke J. [1997] 1 Lloyd's Rep. 1

Centro Latino Americano de Comercio Exterior S.A. v. Owners of the Ship

Kommunar (No. 2), Colman J. [1997] 1 Lloyd's Rep. 8

Centro Latino Americano de Comercio Exterior S.A. v. Owners of the Ship

Kommunar (No. 3), Colman J. [1997] 1 Lloyd's Rep. 22

SHIPS' NAMES—continued*Kommunar—continued*
*Kurnia Dewi***Smit International Singapore Pte. Ltd. v. Kurnia Dewi Shipping S.A.**,
Clarke J. [1997] 1 Lloyd's Rep. 552*Laconian Confidence***Andre & Cie. S.A. v. Orient Shipping (Rotterdam) B.V.**,
Rix J. [1997] 1 Lloyd's Rep. 139*Lake Avery***Union de Remorquage et de Sauvetage S.A. v. Lake Avery Inc.**,
Clarke J. [1997] 1 Lloyd's Rep. 540*Lendoudis Evangelos II***Continental Pacific Shipping Ltd. v. Deemand Shipping Co. Ltd.**,
Longmore J. [1997] 1 Lloyd's Rep. 404*M.C. Pearl***Mahavir Minerals Ltd. v. Cho Yang Shipping Co. Ltd.**,
Rix J. [1997] 1 Lloyd's Rep. 566*Marchioness***Ross v. Bowbelle (Owners)**, C.A. [1997] 1 W.L.R. 1159*Maule***The Maule, P.C.** [1997] 1 W.L.R. 528*Merchant Venture***Cenargo Navigation Ltd. v. Harbour of Carlingford Lough Improvement Comrs.**,
Clarke J. [1997] 1 Lloyd's Rep. 388*Nadezhda Krupskaya***The Nadezhda Krupskaya**, Rix J. [1997] 2 Lloyd's Rep. 35*Nagasaki Spirit***Semco Salvage and Marine Pte. Ltd. v. Lancer Navigation Co. Ltd.**,
H.L.(E.) [1997] A.C. 455; [1997] 2 W.L.R. 298*North Sea***Georgian Maritime Corpn. v. Sealand Industries (Bermuda) Ltd.**,
Mange J. [1997] 2 Lloyd's Rep. 324*Nukila***Promet Engineering (Singapore) Pte. Ltd. v. Sturge**,
C.A. [1997] 2 Lloyd's Rep. 146*Ocean Blessing***Semco Salvage and Marine Pte. Ltd. v. Lancer Navigation Co. Ltd.**,
H.L.(E.) [1997] A.C. 455; [1997] 2 W.L.R. 298*Ocean Enterprise***Glatzer and Warrick Shipping Ltd. v. Bradston Ltd.**,
Geoffrey Brice Q.C. [1997] 1 Lloyd's Rep. 449*Petr Schmidt***Galaxy Energy International Ltd. v. Novorossiysk Shipping Co.**,
Longmore J. [1997] 1 Lloyd's Rep. 284*Protank Orinoco***Protank Shipping Inc. v. Total Transport Corpn.**,
Thomas J. [1997] 2 Lloyd's Rep. 42*Red Sea***Trasimex Holding S.A. v. Addax B.V.**, Rix J. [1997] 1 Lloyd's Rep. 610*River Gurara***River Gurara (Owners of cargo lately laden on board) v. Nigerian National Shipping
Line Ltd.**, C.A. [1997] 3 W.L.R. 1128*Riza***Petroleum Shipping Ltd. v. Vatis (trading as Kronos Management)**,
Timothy Walker J. [1997] 2 Lloyd's Rep. 314*Sagheera***Hellenic Mutual War Risks Association Ltd. v. Harrison**,
Rix J. [1997] 1 Lloyd's Rep. 160*Siben***Hughes v. Clewley**, Jersey Royal Court [1996] 2 Lloyd's Rep. 667*Sincerity S.***Tunstall v. District Judge Holloway**, Clarke J. [1996] 2 Lloyd's Rep. 503*Star Sea***Manifest Shipping & Co. Ltd. v. Uni-Polaris Insurance Co. Ltd.**,
C.A. [1997] 1 Lloyd's Rep. 360*Stolt Sydness***Mauritius Oil Refineries Ltd. v. Stolt-Nielsen Nederlands B.V.**,
Rix J. [1997] 1 Lloyd's Rep. 273*Sun***Petroleum Shipping Ltd. v. Vatis (trading as Kronos Management)**,
Timothy Walker J. [1997] 2 Lloyd's Rep. 314*Victory***The Antares II**, Geoffrey Brice Q.C. [1996] 2 Lloyd's Rep. 482*Voltaz***Evergos Naftiki Eteria v. Cargill Plc.**, Judge Diamond Q.C. [1997] 1 Lloyd's Rep. 35**SOCIAL SECURITY****Attendance allowance***Laundry services*Applicant disabled and unable to wash bedlinen soiled due to incontinence—Relative taking
away bedlinen for laundry—Whether "attention . . . in connection with" applicant's bodily
functions—Social Security Contributions and Benefits Act 1992, s. 64(2)(a)**Cockburn v. Chief Adjudication Officer**, H.L.(E.) [1997] 1 W.L.R. 799**Disability living allowance***Care component*Deaf person—Provision of interpreter to enable participation in social activity—Whether to
be included in aggregate of "attention . . . in connection with" applicant's bodily functions—
Social Security Contributions and Benefits Act 1992, s. 72(1)(b)(i)**Cockburn v. Chief Adjudication Officer**, H.L.(E.) [1997] 1 W.L.R. 799

SOCIAL SECURITY—continued**Income support***Urgent cases payments*

Regulations removing entitlement to payments from asylum seekers otherwise than immediately on arrival and from all claimants pending appeal—Whether Regulations ultra vires—Social Security Contributions and Benefits Act 1992, ss. 135(1)(2), 137(2)(a), 175(3)(a)—Social Security (Persons from Abroad) Miscellaneous Amendments Regulations 1996, reg. 8

Reg. v. Secretary of State for Social Security, *Ex parte* Joint Council for the Welfare of Immigrants, C.A. [1997] 1 W.L.R. 275

Statutory sick pay*"Period of entitlement"*

Employee on day-to-day contract incapacitated for work—Whether contract terminating on last day worked—Whether days of incapacity within "a period of entitlement"—Employment Protection (Consolidation) Act 1978, s. 49(1)(4) (as amended by Employment Act 1982, Sch. 2, para. 3)—Social Security Contributions and Benefits Act 1992, ss. 151(1), 153(1)(2)

Brown v. Chief Adjudication Officer, C.A. [1997] I.C.R. 266

Welfare*Assessment of needs*

Sick and disabled persons—Duty of local authority to make arrangements—Whether entitled to take cost of arrangements and resources into account—Chronically Sick and Disabled Persons Act 1970, s. 2(1) (as amended by Local Authority Social Services Act 1970, s. 14(1), Sch. 2, para. 12, Local Government Act 1972, s. 272(1), Sch. 30 and National Health Service and Community Care Act 1990, s. 66, Sch. 9, para. 12, Sch. 10)

Reg. v. Gloucestershire County Council, *Ex parte* Barry, H.L.(E.) [1997] A.C. 584; [1997] 2 W.L.R. 459

Recovery of payments

Disabled person—Disabilities caused by negligence of third party Local authority unaware of claim against third party—Disabled person reaching settlement with third party for damages—Settlement including indemnity against any claim for repayment of costs incurred by local authority—Whether local authority entitled to reclaim previous expenditure—Health and Social Services and Social Security Adjudications Act 1983, s. 17

Avon County Council v. Hooper, C.A. [1997] 1 W.L.R. 1605

SOLICITOR**Compensation fund***Law Society's policy in relation to grants*

Applicant depositing large sum of money with solicitor to facilitate loan arrangement—Solicitor dishonestly appropriating applicant's money—Law Society refusing to compensate applicant on grounds that applicant's recklessness justifying 100 per cent. reduction in compensation otherwise payable—Whether Law Society's decision lawful—Solicitors Act 1974, s. 36

Reg. v. Law Society, *Ex parte* Ingman Foods Oy AB, Latham J. [1997] 2 All E.R. 666

Costs*Lien*

Plaintiffs having lien over client's documents for unpaid fees—Client terminating retainer and requesting transfer of documents to defendants—Undertaking to hold documents to plaintiffs' order—Defendants copying documents and sending copies to client—Whether breach of undertaking—Whether delivery up of documents and copies to be ordered—Whether plaintiffs entitled to compensation

Bentley v. Gaisford, C.A. [1997] Q.B. 627; [1997] 2 W.L.R. 401

Personal liability

Solicitor acting for undischarged bankrupt in property action—Unaware of client's bankruptcy—No negligence on part of solicitor—Solicitor ordered to pay costs of action—Whether proper exercise of court's discretion

Nelson v. Nelson, C.A. [1997] 1 W.L.R. 233

Duty*Conflict of interest*

Solicitors acting for building society and borrower in mortgage transactions—Solicitors failing to communicate information to society—Borrowers defaulting—Proceeds of sale of property insufficient to clear mortgage debt—Society claiming damages for breach of solicitors' duty at common law—Whether solicitors in breach of duty to society

Bristol and West Building Society v. Fancy & Jackson, Chadwick J. [1997] 4 All E.R. 582

SOLICITOR—continued**Duty—continued***Duty to advise*

Solicitors acting for plaintiffs in property transaction—Structure of transaction exposing plaintiffs to tax charge—Whether plaintiffs agreeing solicitors' remit excluding duty to advise on tax—Whether duty on solicitors to advise or warn plaintiffs of tax exposure
Hurlingham Estates Ltd. v. Wilde & Partners, Lightman J. [1997] 1 Lloyd's Rep. 525

Negligence*Immunity*

Plaintiff's conviction quashed on appeal—Plaintiff suing solicitors for negligence in conduct of defence in criminal proceedings—Whether solicitors immune from suit—Whether relitigating criminal trial contrary to public policy

Acton v. Graham Pearce & Co., Chadwick J. [1997] 3 All E.R. 909

Incorrect advice or information

Mortgage transaction—Solicitor acting for borrowers and lender—Solicitor negligently giving lender incorrect information—Lender suffering loss—Whether lender merely having to prove reliance on information—Whether necessary to show loss attributable to negligence—Whether breach of trust or fiduciary duty

Bristol and West Building Society v. Mothew, C.A. [1997] 2 W.L.R. 436

Intended beneficiaries under will

Solicitor instructed to draw up will conferring benefit on identified beneficiary—Solicitor failing to ensure testatrix's severance of joint tenancy in property disposed of by will—Property passing by survivorship and gift to beneficiary ineffective—Whether solicitor owing duty of care to intended beneficiary—Whether solicitor liable in negligence to beneficiary

Carr-Glynn v. Frearsons, Lloyd J. [1997] 2 All E.R. 614

SPECIFIC PERFORMANCE**Tenant's covenant***Covenant to carry on business*

Premises to be kept open as supermarket—Breach of covenant by closure of supermarket and removal of fixtures and fittings—Whether covenant specifically enforceable

Co-operative Insurance Society Ltd. v. Argyll Stores (Holdings) Ltd.,
H.L.(E.) [1997] 2 W.L.R. 898

STATUTORY INSTRUMENT**Validity***Offences against byelaws*

Byelaws restricting access to land appropriated for military purposes—Arrest for entering on appropriated land—Whether description of appropriated land sufficiently certain—Whether byelaws valid—Whether defence of lawful justification for arrests precluded if byelaws subsequently declared invalid—Military Lands Act 1892, s. 14(1)—H.M.S. Forest Moor and Menwith Hill Station Byelaws 1986

Percy v. Hall, C.A. [1997] Q.B. 924; [1997] 3 W.L.R. 573

STREET TRADING**Hawkers and pedlars***Pedlar's certificate*

Holder trading from stationary position in street where unauthorised street trading prohibited—Whether trading as "pedlar"—Whether unauthorised street trading—Pedlars Act 1871, s. 3—Local Government (Miscellaneous Provisions) Act 1982, Sch. 4, para. 10

Stevenage Borough Council v. Wright, D.C. (1996) 95 L.G.R. 404

Licensing*Unlicensed use of pavement*

Pavement outside shop used to display goods—Goods to be paid for inside shop—Whether street trading—London Local Authorities Act 1990, ss. 21, 38

Wandsworth London Borough Council v. Rosenthal, D.C. (1996) 95 L.G.R. 84

TORT**Cause of action***Conspiracy*

Bribery of plaintiff's employee and dishonest assistance in breaches of trust—Claims for restitution and liability to account as constructive trustees—Defendants pleading plaintiff's failure to supervise employees or investigate irregularities—No allegation that plaintiff had reason to suspect dishonesty—Whether defendants' plea to be struck out

Corporación Nacional del Cobre de Chile v. Sogemin Metals Ltd.,
Carnwath J. [1997] 1 W.L.R. 1396

TORT—continued

Concurrent tortfeasors *see* **JOINT TORTFEASORS**

TOWN PLANNING**Development***Local authority's development plan*

Development of local shopping facilities and demolition of listed building—Whether description of listed building inconsistent with name on list—Whether priority accorded to plan overcome by other material considerations—Town and Country Planning (Scotland) Act 1972, ss. 18A (as inserted by Planning and Compensation Act 1991, s. 58), 52

City of Edinburgh Council v. Secretary of State for Scotland,
H.L.(Sc.) [1997] 1 W.L.R. 1447

Enforcement notice*Validity*

Prosecution for failure to comply—Notice valid on face—Defendant contending notice served in bad faith and motivated by immaterial considerations—Whether entitled to challenge validity of notice in criminal proceedings—Town and Country Planning Act 1990, s. 179(1)

Reg. v. Wicks, H.L.(E.) [1997] 2 W.L.R. 876

Listed building control*Compensation*

Consent granted for demolition of listed building—Façades, chimney-breasts and chimney-stacks to be retained—Subsequent application for consent for removal of chimney-breasts and chimney-stacks refused—Whether claimants entitled to compensation—Whether removal of chimney-breasts and chimney-stacks “alteration . . . of a listed building”—Town and Country Planning Act 1990, s. 336(1)—Planning (Listed Buildings and Conservation Areas) Act 1990, ss. 1(5), 27(1)(a)

Shimizu (U.K.) Ltd. v. Westminster City Council, H.L.(E.) [1997] 1 W.L.R. 168

Local authority*Planning purposes*

Acquisition of site by local authority for planning purposes—Authority granting lease for building on site with covenant not to obstruct light of property on adjacent land—Building owners later gaining planning permission to redevelop site in breach of covenant—Whether interference with private third party rights authorised—Town and Country Planning Act 1990, s. 237(1)(2)

Reg. v. City of London Corpn., Ex parte Master, Governors and Commonality of the Mystery of the Barbers of London, Dyson J. (1996) 95 L.G.R. 459

TRADE DESCRIPTION**False description***Car*

Dealer purchasing car unable to check odometer reading—On subsequent sale by dealer copying odometer reading on to invoice clearly disclaiming any guarantee of accuracy of mileage—Whether disclaimer on invoice part of trade description—Whether dealer applying false trade description—Whether disclaimer in itself sufficient to discharge burden of statutory defence—Trade Descriptions Act 1968, ss. 1(1)(a), 24

Reg. v. Bull (Carl), C.A. [1997] R.T.R. 123

TRADE UNION**Membership***Disciplinary action*

Members contravening union policy by undertaking additional duties with employer—Union disciplining and expelling members Whether union policy constituting “other industrial action”—Whether members unjustifiably disciplined—Trade Union and Labour Relations (Consolidation) Act 1992, s. 65(2)(a)

Knowles v. Fire Brigades Union, C.A. [1997] I.C.R. 595

TRUSTS**Pension scheme***Maladministration*

Local council pension scheme—Council unlawfully making additional payments to pensioner out of general rate fund—Pension subsequently reduced by amount of unlawful payments—Whether maladministration—Whether “complaint” suitable for investigation by Pensions Ombudsman—Whether ombudsman entitled to direct payment of compensation for distress and inconvenience—Pension Schemes Act 1993, ss. 146(1)(2), 151(2)

Westminster City Council v. Haywood, C.A. [1997] 3 W.L.R. 641

TRUSTS—continued**Pension scheme—continued***Maladministration—continued*

Maladministration of pension scheme by ombudsman—Necessity for statutory procedure to be followed—Necessity for rules of natural justice to be applied—Pension Schemes Act 1993, ss. 149(1), 151 **Seifert v. Pensions Ombudsman**, Lightman J. [1997] 1 All E.R. 214

Pensions Ombudsman

Costs of appeal—Trustee successfully appealing against decision of ombudsman—Ombudsman properly named as party to appeal—Ombudsman not appearing at hearing of appeal or taking steps to defend determination—Whether costs of appeal recoverable by successful appellant against ombudsman—R.S.C., Ord. 62, r. 3(3)

Providence Capitol Trustees Ltd. v. Ayres, Chadwick J. [1996] 4 All E.R. 760

Pensions Ombudsman's jurisdiction see *Maladministration*

Trustee*Breach of trust*

Exclusion of liability—Clause exempting trustee from liability for loss from any cause apart from own actual fraud—Whether excluding liability in absence of dishonesty—Whether repugnant to trust—Whether void on grounds of public policy—Whether trustees entitled to costs in absence of inquiry into their conduct

Armitage v. Nurse, C.A. [1997] 3 W.L.R. 1046

Variation*Jurisdiction*

Proposed variation for benefit of persons unborn contrary to testatrix's intentions—Whether wishes of testatrix to be taken into account—Whether proposed variation to be approved—Variation of Trusts Act 1958, s. 1(1)(c) **Goulding v. James**, Laddie J. [1996] 4 All E.R. 865

C.A. [1997] 2 All E.R. 239

UNDUE INFLUENCE**Actual undue influence***Husband and wife*

Husband obtaining funds from bank to purchase property jointly with wife and to clear personal debts—Loan secured by way of charge over property—Bank seeking to enforce charge—Whether charge to be set aside as against wife for undue influence—Whether transaction manifestly disadvantageous to wife—Whether bank fixed with constructive notice of undue influence—Whether wife entitled to have charge set aside unconditionally

Dunbar Bank Plc. v. Nadeem, Robert Englehart Q.C. [1997] 2 All E.R. 253

Constructive notice*Close friends*

Bank accepting guarantee secured by charge over woman's house as security for loan to friend—Bank requiring woman to be independently advised by solicitor—Woman advised by two solicitors but disregarding advice—Whether bank obliged to inquire into motive for providing security—Whether charge enforceable

Banco Exterior Internacional S.A. v. Thomas, C.A. [1997] 1 W.L.R. 221

Husband and wife

Charge over wife's property as security for husband's overdraft facility—Bank appointing solicitor to advise wife in respect of her liabilities under charge—Bank commencing possession proceedings against wife—Wife alleging undue influence of husband and that solicitor had not explained charge to her alone—Whether solicitor acting as agent of bank—Whether solicitor's agency raising arguable defence of bank having constructive notice of undue influence

Royal Bank of Scotland Plc. v. Etridge, C.A. [1997] 3 All E.R. 628

Presumption*Employer and employee*

Employer requesting junior employee to mortgage flat as security for increase in company's bank overdraft—Bank requiring unlimited all moneys guarantee—Employee not told of amount of overdraft—Bank advising employee to take independent legal advice—Employee not doing so—Company going into liquidation—Bank suing for possession of employee's home—Whether guarantee procured by employer's undue influence—Whether relationship of trust and confidence between employer and employee—Whether presumption of undue influence arising—Whether bank rebutting presumption—Whether advice to seek independent legal advice sufficient to exonerate bank

Credit Lyonnais Bank Nederland N.V. v. Burch, C.A. [1997] 1 All E.R. 144

VENDOR AND PURCHASER

Completion

Delay in completion

Purchaser tendering purchase price 10 minutes after time for completion—Time expressed to be of essence of contract—Vendor rescinding contract—Whether purchaser entitled to specific performance—Hong Kong **Union Eagle Ltd. v. Golden Achievement Ltd.**, P.C. [1997] A.C. 514; [1997] 2 W.L.R. 341

Vendor's notice to complete

Vendor not registered proprietor—Contract limiting time for requisitions on title—Vendor acquiring land and serving notice to complete—Purchaser requesting copy of title after notice to complete and two days before date fixed for completion—Whether notice valid—Whether term limiting time for requisitions invalid—Whether vendor entitled to rescind contract and forfeit deposit—Land Registration Act 1925, s. 110(5)—National Conditions of Sale (20th ed.), cond. 9 **Urban Manor Ltd. v. Sadiq, C.A.** [1997] 1 W.L.R. 1016

Contract in writing

Incorporation of terms

Written agreement for sale of property—Subsequent variation of completion date—Whether need for variation to comply with statutory formalities for creation of contract for sale—Law of Property (Miscellaneous Provisions) Act 1989, s. 2 **McCausland v. Duncan Lawrie Ltd.**, C.A. [1997] 1 W.L.R. 38

Vendor's lien

Completion of sale

Part-payment of purchase money on completion—Purchaser conveying land to sub-purchaser—Sub-purchaser obtaining advance by legal charge on land—Whether vendor retaining lien **Barclays Bank Plc. v. Estates & Commercial Ltd.**, C.A. [1997] 1 W.L.R. 415

VICARIOUS LIABILITY

Independent contractor

Negligence

Independent contractor employed to build garage on first defendant's property—Contractor laying metal plates across public highway for purposes of work—Metal plates left by contractor after completion of works—Plaintiff tripping over metal plate at night—Whether first defendant vicariously liable for independent contractor's negligence **Rowe v. Herman, C.A.** [1997] 1 W.L.R. 1390

WILLS

Mutual wills

Implied trust

Husband and wife making identical wills—Estate devised to survivor with provision in default to adult son—Intention ultimately to benefit son—Husband remarrying after death of wife—Subsequent will solely in favour of second wife—Whether original wills intended to be mutually binding—**In re Goodchild, decd.**, C.A. [1997] 1 W.L.R. 1216

WORDS AND PHRASES

"Action . . . brought upon any judgment"—Limitation Act 1980, s. 24(1)

In re A Debtor (No. 50A-SD-1995),

Judge Paul Baker Q.C. [1997] Ch. 310; [1997] 2 W.L.R. 57

"Actual occupation"—Land Registration Act 1925, s. 70(1)(g)

State Bank of India v. Sood, C.A. [1997] Ch. 276; [1997] 2 W.L.R. 421

"Agreed procedure"—Employment Protection (Consolidation) Act 1978, s. 59(b)

Ball v. Balfour Kilpatrick Ltd., E.A.T. [1997] I.C.R. 740

"Already serving . . . a term of imprisonment"—Magistrates' Courts Act 1980, s. 82(3)

Reg. v. Grimsby and Cleethorpes Justices, Ex parte Walters, D.C. [1997] 1 W.L.R. 89

"Alteration . . . of a listed building"—Planning (Listed Buildings and Conservation Areas) Act 1990, s. 27(1)(a)

Shimizu (U.K.) Ltd. v. Westminster City Council, H.L.(E.) [1997] 1 W.L.R. 168

"Any one claim hereunder"—Insurance policy **Haydon v. Lo & Lo**, P.C. [1997] 1 W.L.R. 198

"Appurtenance"—Leasehold Reform, Housing and Urban Development Act 1993, s. 62(2)

Cadogan v. McGirk, C.A. [1996] 4 All E.R. 643

"Arising out of"—Road Traffic Act 1988, s. 145(3)(a)

Dunthorne v. Bentley, C.A. [1996] R.T.R. 428

"Attention . . . in connection with"—Social Security Contributions and Benefits Act 1992, ss. 64(2)(a), 72(1)(b)(i) **Cockburn v. Chief Adjudication Officer**, H.L.(E.) [1997] 1 W.L.R. 799

"Between the same parties, or their privies"—Civil Jurisdiction and Judgments Act 1982, s. 34

Republic of India v. India Steamship Co. Ltd. (No. 2), H.L.(E.) [1997] 3 W.L.R. 818

"Bodily harm"—Offences against the Person Act 1861, ss. 20, 47 (as amended)

Reg. v. Ireland, H.L.(E.) [1997] 3 W.L.R. 534

WORDS AND PHRASES—*continued*

- "*Brought*"—Civil Jurisdiction and Judgments Act 1982, s. 34
Republic of India v. India Steamship Co. Ltd. (No. 2), H.L.(E.) [1997] 3 W.L.R. 818
- "*Capital money*"—Law of Property Act 1925, s. 2(1)(ii)
State Bank of India v. Sood, C.A. [1997] Ch. 276; [1997] 2 W.L.R. 421
- "*Company's property*"—Insolvency Act 1986, Sch. 4, para. 6
In re Oasis Merchandising Services Ltd., C.A. [1997] 2 W.L.R. 764
- "*Complaint*"—Pension Schemes Act 1993, s. 146(1)
Westminster City Council v. Haywood, C.A. [1997] 3 W.L.R. 641
- "*Contract of employment*"—Employment Protection (Consolidation) Act 1978, s. 131(2)(a)
Sarker v. South Tees Acute Hospitals N.H.S. Trust, E.A.T. [1997] I.C.R. 673
- "*Course of employment*"—Sex Discrimination Act 1975, s. 41(1)
Waters v. Comr. of Police of the Metropolis, C.A. [1997] I.C.R. 1073
- "*Criminal cause or matter*"—Supreme Court Act 1981, s. 18(1)(a)
Cuoghi v. Governor of Brixton Prison, C.A. [1997] 1 W.L.R. 1346
- "*Debt on a security*"—Capital Gains Tax Act 1979, s. 134(1)
Taylor Clark International Ltd. v. Lewis, Robert Walker J. (1997) T.C. Leaflet No. 3514
In re Oasis Merchandising Services Ltd., C.A. [1997] 2 W.L.R. 764
- "*Debt security*"—Securities Act 1978, s. 2(1) (New Zealand)
Culverden Retirement Village Ltd. v. Registrar of Companies,
P.C. [1997] A.C. 303; [1997] 2 W.L.R. 291
- "*Dismissed*"—Employment Protection (Consolidation) Act 1978, s. 55(2)(b)
Pfaffinger v. City of Liverpool Community College, E.A.T. [1997] I.C.R. 142
- "*Dispute*"—Arbitration agreement
Halki Shipping Corp. v. Sopex Oils Ltd., Clarke J. [1997] 1 W.L.R. 1268
- "*Distributed or shown*"—Protection of Children Act 1978, s. 1(1)(c)
Reg. v. Fellows, C.A. [1997] 2 All E.R. 548
- "*Efficient education suitable*"—Education Act 1993, s. 298(7)
Reg. v. East Sussex County Council, Ex parte Tandy, C.A. [1997] 3 W.L.R. 884
- "*Employee*"—Race Relations Act 1976, s. 4(2) **Post Office v. Adekeye**, C.A. [1997] I.C.R. 110
Employment Protection (Consolidation) Act 1978, s. 153(1)
McMeechan v. Secretary of State for Employment, C.A. [1997] I.C.R. 549
- "*Employer . . . insolvent*"—Employment Protection (Consolidation) Act 1978, s. 122(1)(a)
Secretary of State for Trade and Industry v. Forde, E.A.T. [1997] I.C.R. 231
- "*Expenditure*"—Drug Trafficking Offences Act 1986, s. 2(3)(b)
Reg. v. Clark (Paul), C.A. [1997] 1 W.L.R. 557
- "*Expenditure of a capital nature*"—Inland Revenue Ordinance, s. 17(1)(c) (Hong Kong)
Wharf Properties Ltd. v. Comr. of Inland Revenue,
P.C. [1997] A.C. 505; [1997] 2 W.L.R. 334
- "*Facts relevant*"—Limitation Act 1980, s. 32A (as inserted)
C. v. Mirror Group Newspapers, C.A. [1997] 1 W.L.R. 131
- "*Fair and accurate*"—Defamation Act 1952, Sch., para. 5
Tsikata v. Newspaper Publishing Plc., C.A. [1997] 1 All E.R. 655
- "*Fair rate*"—Merchant Shipping Act 1995, Sch. 11, art. 14
Semco Salvage and Marine Pte. Ltd. v. Lancer Navigation Co. Ltd.,
H.L.(E.) [1997] A.C. 455; [1997] 2 W.L.R. 298
- "*For the purpose of producing . . . profits*"—Inland Revenue Ordinance, s. 17(1)(b) (Hong Kong)
Comr. of Inland Revenue v. Cosmotron Manufacturing Co. Ltd.,
P.C. [1997] 1 W.L.R. 1288
- "*Full and final*"—Settlement of action
Jameson v. Central Electricity Generating Board, C.A. [1997] 3 W.L.R. 151
- "*Given notice*"—Insolvency Rules 1986, r. 5.17(1)
In re A Debtor (No. 400–IO–1996), Rimer J. [1997] 1 W.L.R. 1319
- "*Improvements*"—Housing Act 1985, s. 127(1)(b)
Dickinson v. Enfield London Borough Council, C.A. (1996) 95 L.G.R. 379
- "*In his character of a member*"—Insolvency Act 1986, s. 74(2)(f)
Soden v. British & Commonwealth Holdings Plc., C.A. [1997] 2 W.L.R. 206
H.L.(E.) [1997] 3 W.L.R. 840
- "*In private*"—Employment Protection (Consolidation) Act 1978, Sch. 9, para. 1(4A)
Fry v. Foreign and Commonwealth Office, E.A.T. [1997] I.C.R. 512
- "*In . . . the year of assessment*"—Income and Corporation Taxes Act 1988, s. 381(1)
Gascoine v. Wharton, Lindsay J. (1996) T.C. Leaflet No. 3498
- "*In the course of . . . employment*"—Race Relations Act 1976, s. 32(1)
Jones v. Tower Boot Co. Ltd., C.A. [1997] I.C.R. 254
- "*In the production of profits*"—Inland Revenue Ordinance, s. 16(1) (Hong Kong)
Comr. of Inland Revenue v. Cosmotron Manufacturing Co. Ltd.,
P.C. [1997] 1 W.L.R. 1288
- "*Income of the bankrupt*"—Insolvency Act 1986, s. 310(7)
In re Landau (A Bankrupt), Ferris J. [1997] 3 W.L.R. 225

WORDS AND PHRASES—*continued*

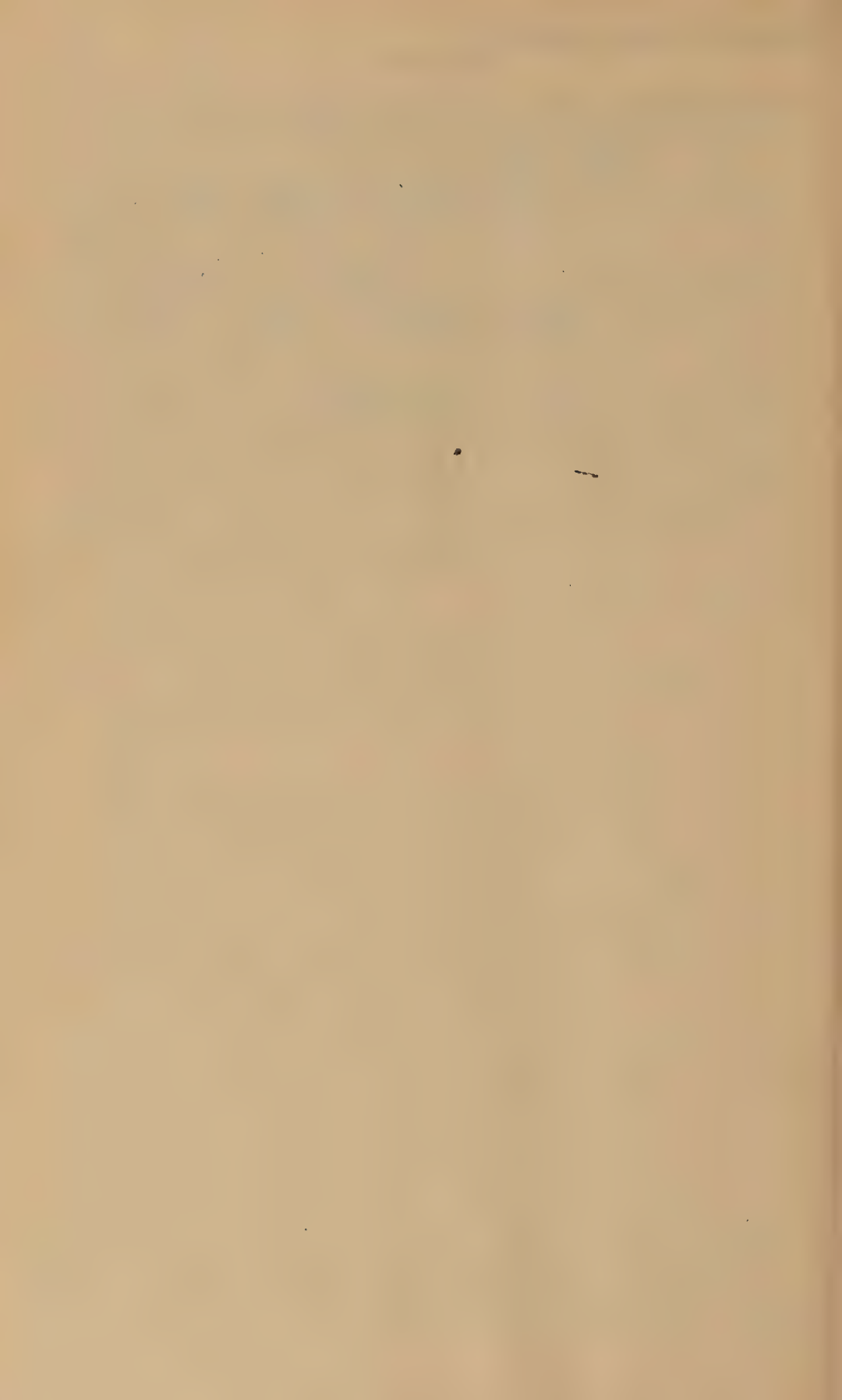
- "Investment company"—Income and Corporation Taxes Act 1988, s. 130
Cook v. Midway Housing Society Ltd., Lightman J. (1996) T.C. Leaflet No. 3502
- "Land"—Local Government Finance Act 1988, s. 64(2)
O'Brien v. Secker, C.A. (1996) 95 L.G.R. 560
- "Maintenance"—Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968, art. 5(2)
Van den Boogaard v. Laumen (Case C-220/95), E.C.J. [1997] Q.B. 759; [1997] 3 W.L.R. 284
- "Maintenance creditor"—Convention on Jurisdiction and the Enforcements of Judgments in Civil and Commercial Matters 1968 (as amended), art. 5(2)
Farrell v. Long (Case C-295/95), E.C.J. [1997] Q.B. 842; [1997] 3 W.L.R. 613
- "Material facts or conclusions"—Criminal Injuries Compensation Scheme 1964, para. 24(c)
Reg. v. Criminal Injuries Compensation Board, *Ex parte* **Dickson**, C.A. [1997] 1 W.L.R. 58
- "Matter relating to a contract"—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 5(1)
Boss Group Ltd. v. Boss France S.A., C.A. [1997] 1 W.L.R. 351
- "Modifications"—Local Government Act 1992, s. 17(1)
Reg. v. Secretary of State for the Environment, *Ex parte* **Berkshire Royal County Council**, C.A. (1996) 95 L.G.R. 249
- "Neglect"—Coroner's verdict
Reg. v. Surrey Coroner, *Ex parte* **Wright**, Tucker J. [1997] Q.B. 786; [1997] 2 W.L.R. 16
- "Not of public concern and . . . not for the public benefit"—Defamation Act 1952, s. 7(3)
Tsikata v. Newspaper Publishing Plc., C.A. [1997] 1 All E.R. 655
- "Now living or hereafter to be born"—Settlement
Figg v. Clarke, Blackburne J. [1997] 1 W.L.R. 603
- "Obligation in question"—Civil Jurisdiction and Judgments Act 1982, Sch. 3C, art. 5(1)
Agnew v. Lansforsäkringsbolagens AB, Mance J. [1996] 4 All E.R. 978
- "Operate"—Local Government (Miscellaneous Provisions) Act 1976, s. 46(1)(e)
Adur District Council v. Fry, D.C. [1997] R.T.R. 257
- "Organisation of employers"—Sex Discrimination Act 1975, s. 12(1)
National Federation of Self-Employed and Small Businesses Ltd. v. Philpott, E.A.T. [1997] I.C.R. 518
- "Or until further order"—Periodical payments order
G. v. G. (Periodical Payments), C.A. [1997] 2 W.L.R. 614
- "Other industrial action"—Trade Union and Labour Relations (Consolidation) Act 1992, s. 65(2)(a)
Knowles v. Fire Brigades Union, C.A. [1997] I.C.R. 595
- "Outhouse"—Leasehold Reform, Housing and Urban Development Act 1993, s. 62(2)
Cadogan v. McGirk, C.A. [1996] 4 All E.R. 643
- "Parent"—Education Act 1993, s. 169
Fairpo v. Humberston County Council, Laws J. [1997] 1 All E.R. 183
- "Party"—Supreme Court Act 1981, s. 51(7) (as substituted)
Reg. v. Camden London Borough Council, *Ex parte* **Martin**, Sedley J. [1997] 1 W.L.R. 359
- "Pay"—E.C. Treaty, art. 119
Reg. v. Secretary of State for Employment, *Ex parte* **Seymour-Smith**, H.L. (E.) [1997] 1 W.L.R. 473; [1997] I.C.R. 371
- "Pedlar"—Pedlars Act 1871, s. 3
Stevenage Borough Council v. Wright, D.C. (1996) 95 L.G.R. 404
- "Period of entitlement"—Social Security Contributions and Benefits Act 1992, s. 153
Brown v. Chief Adjudication Officer, C.A. [1997] I.C.R. 266
- "Person using the vehicle"—Motor Insurers' Bureau (Compensation of Victims of Uninsured Drivers) Agreement (1972), cl. 6(1)(c)(ii)
Hatton v. Hall, C.A. [1997] R.T.R. 212
- "Photographs"—Protection of Children Act 1978, s. 1(1)(b)
Reg. v. Fellows, C.A. [1997] 2 All E.R. 548; [1997] 1 Cr.App.R. 244
- "Place . . . where the employee habitually carries out his work"—Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968, art. 5(1) (as amended)
Rutten v. Cross Medical Ltd. (Case C-383/95), E.C.J. [1997] I.C.R. 715
- "Political nature"—Broadcasting Act 1990, s. 92(2)(a)(i)
Reg. v. Radio Authority, *Ex parte* **Bull**, C.A. [1997] 3 W.L.R. 1094
- "Political offence"—Convention on Mutual Assistance in Criminal Matters 1959, art. 2
Reg. v. Secretary of State for the Home Department, *Ex parte* **Fininvest S.p.A.**, D.C. [1997] 1 W.L.R. 743
- "Premises"—London Government Act 1963, Sch. 12, para. 1(1)(7) (as amended)
Reg. v. Bow Street Magistrates' Court, *Ex parte* **McDonald**, C.A. (1996) 95 L.G.R. 359
- "Private hire vehicle"—Local Government (Miscellaneous Provisions) Act 1976, s. 46(1)(b)
Benson v. Boyce, D.C. [1997] R.T.R. 226
- "Proceedings in public"—Defamation Act 1952, Sch., para. 5
Tsikata v. Newspaper Publishing Plc., C.A. [1997] 1 All E.R. 655
- "Prosecutor"—Road Traffic Offenders Act 1988, s. 6(1)
Swan v. Vehicle Inspectorate, D.C. [1997] R.T.R. 187

WORDS AND PHRASES—*continued*

- "Redundancy"—Employment Protection (Consolidation) Act 1978, s. 81(2)(b)
Pfaffinger v. City of Liverpool Community College, E.A.T. [1997] I.C.R. 142
- "Refusing . . . to offer . . . employment"—Race Relations Act 1976, s. 4(1)(c)
Post Office v. Adekeye, C.A. [1997] I.C.R. 110
- "Registered carrier of controlled waste"—Control of Pollution (Amendment) Act 1989, s. 1(1)
Cosmick Transport Services Ltd. v. Bedfordshire County Council, D.C. [1997] R.T.R. 132
- "Related"—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 22
Sarrio S.A. v. Kuwait Investment Authority, H.L.(E.) [1997] 3 W.L.R. 1143
- "Relating to a contract"—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 5(1) (as substituted)
Source Ltd. v. T.U.V. Rheinland Holding A.G., C.A. [1997] 3 W.L.R. 365
- "Relating to a contract"—Civil Jurisdiction and Judgments Act 1982, Sch. 4, art. 5(1)
Kleinwort Benson Ltd. v. Glasgow City Council, H.L.(E.) [1997] 3 W.L.R. 923
- "Relating to a tort, delict or quasi-delict"—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 5(3) (as substituted)
Source Ltd. v. T.U.V. Rheinland Holding A.G., C.A. [1997] 3 W.L.R. 365
- "Relating to tort, delict or quasi-delict"—Civil Jurisdiction and Judgments Act 1982, Sch. 4, art. 5(3)
Kleinwort Benson Ltd. v. Glasgow City Council, H.L.(E.) [1997] 3 W.L.R. 923
- "Relevant disposal"—Landlord and Tenant Act 1987, s. 4
Michaels v. Harley House (Marylebone) Ltd., Lloyd J. [1997] 1 W.L.R. 967
- "Relevant period"—Criminal Justice Act 1967, s. 67(1)(1A) (as amended)
Reg. v. Secretary of State for the Home Department, *Ex parte Naughton*, D.C. [1997] 1 W.L.R. 118
Reg. v. Governor of Brockhill Prison, *Ex parte Evans*, D.C. [1997] Q.B. 443; [1997] 2 W.L.R. 236
- "Relief"—Income and Corporation Taxes Act 1988, s. 709(1)
Inland Revenue Comrs. v. Universities Superannuation Scheme Ltd., Sir John Vinelott (1996) T.C. Leaflet No. 3499
- "Remuneration"—Wages Act 1986, s. 16(1)
Nerva v. R.L. & G. Ltd., C.A. [1997] I.C.R. 11
- "Report"—Defamation Act 1952, s. 7(1), Sch., para. 5
Tsikata v. Newspaper Publishing Plc., C.A. [1997] 1 All E.R. 655
- "Required . . . to leave"—Income Support (General) Regulation 1987, reg. 21(3)(h)
Chief Adjudication Officer v. Wolke, H.L.(E.) [1997] 1 W.L.R. 1640
- "Rights in property arising out of a matrimonial relationship"—Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968, art. 1
Van den Boogaard v. Laumen (Case C-220/95), E.C.J. [1997] Q.B. 759; [1997] 3 W.L.R. 284
- "Rights of custody"—Child Abduction and Custody Act 1985, Sch. 1, arts. 3, 5
S. v. H. (Abduction: Access Rights), Hale J. [1997] 3 W.L.R. 1086
- "Risk of irreconcilable judgments"—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 22
Sarrio S.A. v. Kuwait Investment Authority, H.L.(E.) [1997] 3 W.L.R. 1143
- "Road"—Road Traffic Act 1988, s. 192
Clarke v. Kato, C.A. [1997] 1 W.L.R. 208
- "Security"—Insolvency Act 1986, s. 383(2)
Razzaq v. Pala, Lightman J. [1997] 1 W.L.R. 1336
- "Sent"—Industrial Tribunals (Constitution and Rules of Procedure) Regulations 1993, Sch. 1, r. 7(6)
Immigration Advisory Service v. Oommen, E.A.T. [1997] I.C.R. 683
- "Ships"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 2(2)
Addison v. Denholm Ship Management (U.K.) Ltd., E.A.T.(Sc.) [1997] I.C.R. 770
- "Social group"—Convention relating to the Status of Refugees, art. 1A(2)
Adan v. Secretary of State for the Home Department, C.A. [1997] 1 W.L.R. 1107
- "Spare parts exception"—Copyright infringement
Canon Kabushiki Kaisha v. Green Cartridge Co. (Hong Kong) Ltd., P.C. [1997] A.C. 728; [1997] 3 W.L.R. 13
- "Special reasons"—Employment Protection (Consolidation) Act 1978, s. 59(b)
Ball v. Balfour Kilpatrick Ltd., E.A.T. [1997] I.C.R. 740
- "Stop"—Road Traffic Act 1988, s. 170(2) (as amended)
McDermott v. Director of Public Prosecutions, D.C. [1997] R.T.R. 474
- "Subjecting"—Race Relations Act 1976, s. 4(2)(c)
Burton v. De Vere Hotels Ltd., E.A.T. [1997] I.C.R. 1
- "Suit . . . brought"—Hague Rules, art. III, r. 6
Anglo Irish Beef Processors International v. Federated Stevedores Geelong, Victoria Court of Appeal [1997] 1 Lloyd's Rep. 207
- "Sum due . . . by way of dividends, profits or otherwise"—Insolvency Act 1986, s. 74(2)(f)
Soden v. British & Commonwealth Holdings Plc., C.A. [1997] 2 W.L.R. 206
H.L.(E.) [1997] 3 W.L.R. 840
- "Term"—Restrictive Trade Practices Act 1976, s. 9(3)
Associated Dairies Ltd. v. Baines, H.L.(E.) [1997] A.C. 524; [1997] 2 W.L.R. 364; [1997] I.C.R. 652

WORDS AND PHRASES—*continued*

- "*Termination of the employee's employment*"—Industrial Tribunals (Extension of Jurisdiction) (England and Wales) Order 1994, art. 3(c)
Sarker v. South Tees Acute Hospitals N.H.S. Trust, E.A.T. [1997] I.C.R. 673
- "*Throughout*"—Housing Act 1985, s. 87(b)
Camden London Borough Council v. Goldenberg, C.A. (1996) 95 L.G.R. 693
- "*Together receiving treatment services*"—Human Fertilisation and Embryology Act 1990, Sch. 3, para. 5
Reg. v. Human Fertilisation and Embryology Authority, Ex parte Blood, C.A. [1997] 2 W.L.R. 806
- "*Transfer ... of an undertaking*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 3(1)
Betts v. Brintel Helicopters Ltd., C.A. [1997] I.C.R. 792
- "*Transfer of an undertaking, business or part of a business*"—Council Directive (77/187/E.E.C.), art 1(1) **Merckx v. Ford Motors Co. (Belgium) S.A. (Case C-171/94)**, E.C.J. [1997] I.C.R. 352
Henke v. Gemeinde Schierke (Case C-298/94), E.C.J. [1997] I.C.R. 746
- "*Treatment ... together*"—Human Fertilisation and Embryology Act 1990, s. 28(3)
U. v. W. (Attorney-General Intervening), Wilson J. [1997] 3 W.L.R. 739
- "*Uninsured*"—Powers of Criminal Courts Act 1973, s. 35(3)(b)(i)
McDermott v. Director of Public Prosecutions, D.C. [1997] R.T.R. 474
- "*United Kingdom*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 3(1) **Addison v. Denholm Ship Management (U.K.) Ltd.**, E.A.T.(Sc.) [1997] I.C.R. 770
- "*Use*"—Road Traffic Act 1988, s. 143(1)(a) **Hatton v. Hall**, C.A. [1997] R.T.R. 212
- "*Usual or last known address*"—R.S.C., Ord. 10, r. 1(2)(a)
Robertson v. Banham & Co., C.A. [1997] 1 W.L.R. 446
- "*Vehicles used in connection with ... refuse collection and disposal ... services*"—Council Regulation (E.E.C.) No. 3820/85, art. 4(6) **Swain v. McCaul**, D.C. [1997] R.T.R. 102
In re Mrozek and Jäger (Case C-335/94), E.C.J. [1997] R.T.R. 238
-



CASES JUDICIALLY CONSIDERED

- A. (Minors) (Abduction: Custody Rights), *In re* [1992] Fam. 106; [1992] 2 W.L.R. 536; [1992] 1 All E.R. 929, C.A. **Considered**, *In re H. (Minors) (Abduction: Acquiescence)* [1997] 2 W.L.R. 563, H.L.(E.)
- A.B. v. South West Water Services Ltd. [1993] Q.B. 507; [1993] 2 W.L.R. 507; [1993] 1 All E.R. 609, C.A. **Distinguished**, *Prison Service v. Johnson* [1997] I.C.R. 275, E.A.T.
- Abbey National Building Society v. Cann [1991] 1 A.C. 56; [1990] 2 W.L.R. 832; [1990] 1 All E.R. 1085, H.L.(E.). **Applied**, *Barclays Bank Plc. v. Zaroovabli* [1997] Ch. 321; [1997] 2 W.L.R. 729
- Aberdeen Construction Group Ltd. v. Inland Revenue Comrs. [1978] A.C. 885; [1978] 2 W.L.R. 648; [1978] 1 All E.R. 962; 52 T.C. 281, H.L.(Sc.). **Considered**, *Spectros International Plc. v. Madden* (1996) T.C. Leaflet No. 3503; *Garner v. Pounds Shipowners and Shipbreakers Ltd.* (1997) T.C. Leaflet No. 3513; *Taylor Clark International Ltd. v. Lewis* (1997) T.C. Leaflet No. 3514
- Abnett v. British Airways Plc., 1996 S.L.T. 529. **Decision of an Extra Division of the Court of Session affirmed** [1997] A.C. 430; [1997] 2 W.L.R. 26, H.L.(E. & Sc.)
- Actis Co. Ltd. v. Sanko Steamship Co. Ltd. [1980] 2 Lloyd's Rep. 237. **Considered**, *Andre & Cie S.A. v. Orient Shipping (Rotterdam) B.V.* [1997] 1 Lloyd's Rep. 139
- Adams v. Cape Industries Plc. [1990] Ch. 433; [1990] 2 W.L.R. 657; [1991] 1 All E.R. 929, Scott J. and C.A. **Considered**, *Industries Maritime Carriers (Bahamas) Inc. v. Sinoca International Inc.* [1996] 2 Lloyd's Rep. 585
- Adams v. Lancashire County Council [1996] I.C.R. 935. **Decision of Robert Walker J. affirmed** [1997] I.C.R. 834, C.A.
- Addis v. Gramophone Co. Ltd. [1909] A.C. 488, H.L.(E.). **Not followed**, *Mahmud v. Bank of Credit and Commerce International S.A.* [1997] 3 W.L.R. 95; [1997] I.C.R. 606, H.L.(E.)
- Addlestone Linoleum Co., *In re* (1887) 37 Ch.D. 191, Kay J. and C.A. **Doubted**, *Soden v. British & Commonwealth Holdings Plc.* [1997] 2 W.L.R. 206, C.A. **Distinguished**, *Soden v. British & Commonwealth Holdings Plc.* [1997] 3 W.L.R. 840, H.L.(E.)
- Advanced Technology Structures Ltd. v. Cray Valley Products Ltd. [1993] B.C.L.C. 723, C.A. **Overruled**, *Norglen Ltd. v. Reeds Rains Prudential Ltd.* [1997] 3 W.L.R. 1177, H.L.(E.). **Not followed**, *Circuit Systems Ltd. v. Zuken-Redac (U.K.) Ltd.* [1997] 1 W.L.R. 721, C.A.
- Aggeliki Charis Compania Maritima S.A. v. Pagnan S.p.A. [1995] 1 Lloyd's Rep. 87, C.A. **Applied**, *Toepfer International G.m.b.H. v. Société Cargill France* [1997] 2 Lloyd's Rep. 98
- Ajodha v. The State [1982] A.C. 204; [1981] 3 W.L.R. 1; [1981] 2 All E.R. 193, P.C. **Applied**, *Thongjai v. The Queen* [1997] 3 W.L.R. 667, P.C.
- Alcock v. Chief Constable of South Yorkshire Police [1992] 1 A.C. 310; [1991] 3 W.L.R. 1057; [1991] 4 All E.R. 907, H.L.(E.). **Distinguished**, *Frost v. Chief Constable of South Yorkshire Police* [1997] 3 W.L.R. 1194, C.A.
- Alexandrou v. Oxford [1993] 4 All E.R. 328, C.A. **Applied**, *Capital & Counties Plc. v. Hampshire County Council* [1997] Q.B. 1004; [1997] 3 W.L.R. 331, C.A.
- Ali v. Christian Salvesen Food Services Ltd. [1996] I.C.R. 1, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1997] I.C.R. 25, C.A.
- Alliance & Leicester Building Society v. Edgestop Ltd. [1993] 1 W.L.R. 1462; [1994] 2 All E.R. 38. **Considered**, *Corporación Nacional del Cobre de Chile v. Sogemin Metals Ltd.* [1997] 1 W.L.R. 1396
- Allied Maples Group Ltd. v. Simmons & Simmons [1995] 1 W.L.R. 1602; [1995] 4 All E.R. 907, C.A. **Considered**, *Acton v. Graham Pearce & Co.* [1997] 3 All E.R. 909
- Amand v. Home Secretary and Minister of Defence of Royal Netherlands Government [1943] A.C. 147; [1942] 2 All E.R. 381, H.L.(E.). **Applied**, *Cuoghi v. Governor of Brixton Prison* [1997] 1 W.L.R. 1346, C.A. **Considered**, *R. v. Governor of Brixton Prison, Ex parte Levin* [1997] A.C. 741; [1997] 3 W.L.R. 117, H.L.(E.)
- Anglo Overseas Transport v. Titan Industrial Corpn. [1959] 2 Lloyd's Rep. 152. **Considered**, *Cory Brothers Shipping Ltd. v. Baldan Ltd.* [1997] 2 Lloyd's Rep. 58
- Annefield, The [1971] P. 168; [1971] 2 W.L.R. 320; [1971] 1 All E.R. 394; [1971] 1 Lloyd's Rep. 1, Brandon J. and C.A. **Considered**, *Excess Insurance Co. Ltd. v. Mander* [1997] 2 Lloyd's Rep. 119
- Aratra Potato Co. Ltd. v. Egyptian Navigation Co. [1981] 2 Lloyd's Rep. 119, C.A. **Applied**, *Mahavir Minerals Ltd. v. Cho Yang Shipping Co. Ltd.* [1997] 1 Lloyd's Rep. 566
- Archer-Shee v. Garland [1931] A.C. 212; 15 T.C. 693, H.L.(E.). **Considered**, *Memec Plc. v. Inland Revenue Comrs.* (1996) T.C. Leaflet No. 3496

- Arzu v. Arthurs [1965] 1 W.L.R. 675, P.C. **Considered**, *Russell v. Attorney-General for Saint Vincent and the Grenadines* [1997] 1 W.L.R. 1134, P.C.
- Ashworth v. McKay Foods Ltd. [1996] 1 W.L.R. 542; [1996] 1 All E.R. 705, C.A. **Considered**, *Perry v. Wong* [1997] 1 W.L.R. 381, C.A.
- Associated Dairies Ltd. v. Baines [1996] I.C.R. 183, C.A. **Decision of the Court of Appeal reversed** [1997] A.C. 524; [1997] 2 W.L.R. 364; [1997] I.C.R. 652, H.L.(E.)
- Attorney-General v. Avelino Aramayo and Co. [1925] 1 K.B. 86; 9 T.C. 445, C.A. **Considered**, *Girobank Plc. v. Clarke* (1996) T.C. Leaflet No. 3477
- Attorney-General v. Newspaper Publishing Plc. [1988] Ch. 333; [1987] 3 W.L.R. 942; [1987] 3 All E.R. 276, C.A. **Considered**, *Attorney-General v. Newspaper Publishing Plc.* [1997] 1 W.L.R. 926, C.A.
- Attorney-General v. P.Y.A. Quarries Ltd. [1957] 2 Q.B. 169; [1957] 2 W.L.R. 770; [1957] 1 All E.R. 894, C.A. **Applied**, *R. v. Johnson (Anthony)* [1997] 1 W.L.R. 367, C.A.
- Attorney-General v. Times Newspapers Ltd. [1992] 1 A.C. 191; [1991] 2 W.L.R. 994; [1991] 2 All E.R. 398, H.L.(E.). **Considered**, *Attorney-General v. Newspaper Publishing Plc.* [1997] 1 W.L.R. 926, C.A.
- Attorney-General for Northern Ireland v. Gallagher [1963] A.C. 349; [1961] 3 W.L.R. 619; [1961] 3 All E.R. 299, H.L.(N.I.). **Applied**, *R. v. Secretary of State for the Home Department, Ex parte Launder* [1997] 1 W.L.R. 839, H.L.(E.)
- Attorney-General of Hong Kong v. Fairfax Ltd. [1995] 2 H.K.C. 617. **Decision of the Court of Appeal of Hong Kong affirmed** [1997] 1 W.L.R. 149, P.C.
- Attorney-General's Reference (No. 5 of 1980) [1981] 1 W.L.R. 88; [1980] 3 All E.R. 816; 72 Cr.App.R. 71, C.A. **Applied**, *R. v. Fellows* [1997] 2 All E.R. 548; [1997] 1 Cr.App.R. 244, C.A.
- Attorney-General's Reference (No. 3 of 1994) [1996] Q.B. 581; [1996] 2 W.L.R. 412; [1996] 2 All E.R. 10, C.A. **Decision of the Court of Appeal (Criminal Division) affirmed in part** [1997] 3 W.L.R. 421, H.L.(E.)
- August 8, The [1983] 2 A.C. 450, 456; [1983] 2 W.L.R. 419, P.C. **Dictum of Lord Brandon of Oakbrook applied**, *Republic of India v. India Steamship Co. Ltd. (No. 2)* [1997] 3 W.L.R. 818, H.L.(E.)
- Australasian Conference Association Ltd. v. Mainline Construction Pty. Ltd. (1978) 141 C.L.R. 335. **Applied**, *Cargill International S.A. Antigua Geneva Branch v. Bangladesh Sugar & Food Industries Corpn.* [1996] 2 Lloyd's Rep. 524
- Australia & New Zealand Bank Ltd. v. Colonial & Eagle Wharves Ltd. [1960] 2 Lloyd's Rep. 241. **Distinguished**, *Haydon v. Lo & Lo* [1997] 1 W.L.R. 198, P.C.
- Avon County Council v. Hooper (1995) 25 B.M.L.R. 26. **Decision of Judge Robert Taylor sitting as a judge of the Queen's Bench Division affirmed** [1997] 1 W.L.R. 1605, C.A.
- Ayerst v. C. & K. (Construction) Ltd. [1976] A.C. 167; [1975] 3 W.L.R. 16; [1975] 2 All E.R. 537, H.L.(E.). **Applied**, *In re ARMS (Multiple Sclerosis Research) Ltd.* [1997] 1 W.L.R. 877
- B. (A Minor) (Abduction), *In re* [1994] 2 F.L.R. 249, C.A. **Considered**, *S. v. H. (Abduction: Access Rights)* [1997] 3 W.L.R. 1086
- B. (A Minor) v. Knight [1981] R.T.R. 136, D.C. **Distinguished**, *Hatton v. Hall* [1997] R.T.R. 212, C.A.
- B. (Minors) (Contact), *In re* [1994] 2 F.L.R. 1, 5, C.A. **Dicta of Butler-Sloss L.J. considered**, *In re T. (Minors) (Termination of Contact: Discharge of Order)* [1997] 1 W.L.R. 393, C.A.
- B.-M. (Wardship: Jurisdiction), *In re* [1993] 1 F.L.R. 979. **Approved**, *In re S. (A Minor) (Custody: Habitual Residence)* [1997] 3 W.L.R. 597, H.L.(E.)
- BP Oil Ltd. v. Richards (unreported), 12 April 1983, E.A.T. **Followed**, *Housing Services Agency v. Cragg* [1997] I.C.R. 1050, E.A.T.
- B. v. Derbyshire County Council [1992] 1 F.L.R. 538. **Applied**, *In re B. (Minors) (Care Proceedings: Issue Estoppel)* [1997] Fam. 117; [1997] 3 W.L.R. 1
- Baker v. Archer-Shee [1927] A.C. 844; 11 T.C. 749, H.L.(E.). **Considered**, *Memec Plc. v. Inland Revenue Comrs.* (1996) T.C. Leaflet No. 3496
- Baldwin v. Director of Public Prosecutions [1996] R.T.R. 238, D.C. **Applied**, *Chatelard v. Director of Public Prosecutions* [1997] R.T.R. 362, D.C.
- Banco, The [1971] P. 137; [1971] 2 W.L.R. 335; [1971] 1 All E.R. 524; [1971] 1 Lloyd's Rep. 49, C.A. **Considered**, *Centro Latino Americano de Comercio Exterior S.A. v. Owners of the Ship Kommunar (No. 2)* [1997] 1 Lloyd's Rep. 8
- Banco Exterior Internacional v. Mann [1995] 1 All E.R. 936, C.A. **Distinguished**, *Royal Bank of Scotland Plc. v. Etridge* [1997] 3 All E.R. 628, C.A.
- Bank of Credit and Commerce International S.A. (No. 8), *In re* [1996] Ch. 245; [1996] 2 W.L.R. 631; [1996] 2 All E.R. 121, C.A. **Decision of the Court of Appeal affirmed** [1997] 3 W.L.R. 909, H.L.(E.)
- Bank of New Zealand v. Greenwood [1984] 1 N.Z.L.R. 525. **Considered**, *Hunter v. Canary Wharf Ltd.* [1997] A.C. 655; [1997] 2 W.L.R. 684, H.L.(E.)

- Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd. [1995] Q.B. 375; [1995] 2 W.L.R. 607; [1995] 2 All E.R. 769, C.A. **Applied**, *Downs v. Chappell* [1997] 1 W.L.R. 426, C.A.
- Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd. [1997] A.C. 191; [1996] 3 W.L.R. 87; [1996] 3 All E.R. 365, H.L.(E.). **Applied**, *Bristol and West Building Society v. Mothew* [1997] 2 W.L.R. 436, C.A.; *Bristol and West Building Society v. Fancay & Jackson* [1997] 4 All E.R. 582
- Barclays Bank of Swaziland Ltd. v. Hahn [1989] 1 W.L.R. 506; [1989] 2 All E.R. 398, H.L.(E.). **Applied**, *Robertson v. Banham & Co.* [1997] 1 W.L.R. 446, C.A.
- Barclays Bank Plc. v. O'Brien [1994] 1 A.C. 180; [1993] 3 W.L.R. 786; [1993] 4 All E.R. 417, H.L.(E.). **Applied**, *Credit Lyonnais Bank Nederland NV v. Burch* [1997] 1 All E.R. 144, C.A.; *Dunbar Bank Plc. v. Nadeem* [1997] 2 All E.R. 253
- Bates (Thomas) and Son Ltd. v. Wyndham's (Lingerie) Ltd. [1981] 1 W.L.R. 505; [1981] 1 All E.R. 1077, C.A. **Followed**, *Dickinson v. Enfield London Borough Council* (1996) 95 L.G.R. 379, C.A.
- Beauchamp v. F. W. Woolworth Plc. [1990] 1 A.C. 478; [1989] 3 W.L.R. 1, H.L.(E.). **Distinguished**, *Wharf Properties Ltd. v. Comr. of Inland Revenue* [1997] A.C. 505; [1997] 2 W.L.R. 334, P.C.
- Bedford Insurance Co. Ltd. v. Instituto de Resseguros do Brasil [1985] Q.B. 966; [1984] 3 W.L.R. 726; [1984] 3 All E.R. 766. **Considered**, *R. v. Wilson (Rupert)* [1997] 1 W.L.R. 1247, C.A.
- Bekhor (A.J.) & Co. Ltd. v. Bilton [1981] Q.B. 923; [1981] 2 W.L.R. 601; [1981] 2 All E.R. 565, C.A. **Applied**, *Cobra Golf Inc. v. Rata* [1997] 2 W.L.R. 629
- Bennett v. Bennett [1952] 1 K.B. 249, 261; [1952] 1 All E.R. 413, C.A. **Dictum of Denning L.J. applied**, *Marshall v. N.M. Financial Management Ltd.* [1997] 1 W.L.R. 1527; [1997] I.C.R. 1065, C.A.
- Berkeley Administration Inc. v. McClelland [1990] 2 Q.B. 407; [1990] 2 W.L.R. 1021; [1990] 1 All E.R. 958, C.A. **Considered**, *R. v. O'Kane, Ex parte Northern Bank Ltd.* (1996) T.C. Leaflet No. 3497
- Berkholz v. Finanzamt Hamburg-Mitte-Alstardt (Case 168/84) [1985] E.C.R. 2251, 2263, para. 18, E.C.J. **Dicta applied**, *Customs and Excise Comrs. v. DFDS A/S* (Case C-260/95) [1997] 1 W.L.R. 1037, E.C.J.
- Berry v. Berry [1987] Fam. 1; [1986] 3 W.L.R. 257; [1986] 3 All E.R. 948, C.A. **Applied**, *R. v. Bristol Justices, Ex parte Hodge* [1997] Q.B. 974; [1997] 2 W.L.R. 756
- Beswick v. Beswick [1968] A.C. 58; [1967] 3 W.L.R. 932; [1967] 2 All E.R. 1197, H.L.(E.). **Applied**, *Amsprop Trading Ltd. v. Harris Distribution Ltd.* [1997] 1 W.L.R. 1025
- Betts v. Brintel Helicopters Ltd. [1996] I.R.L.R. 45. **Decision of Scott Baker J. reversed** [1997] I.C.R. 792, C.A.
- Bhimji v. Chatwani (No. 2) [1992] 1 W.L.R. 1158; [1992] 4 All E.R. 912. **Applied**, *Cobra Golf Inc. v. Rata* [1997] 2 W.L.R. 629
- Biggin & Co. Ltd. v. Permanite Ltd. [1951] 1 K.B. 422, 435-436; [1951] 2 All E.R. 191. **Dicta of Devlin J. approved**, *Bence Graphics International Ltd. v. Fasson U.K. Ltd.* [1997] 3 W.L.R. 205, C.A.
- Biggs v. Somerset County Council [1996] I.C.R. 364, 377-378; [1996] 2 All E.R. 734, C.A. **Dicta of Neill L.J. approved**, *Preston v. Wolverhampton Healthcare N.H.S. Trust* [1997] I.C.R. 899, C.A.
- Birkett v. James [1978] A.C. 297; [1977] 3 W.L.R. 38; [1977] 2 All E.R. 801, H.L.(E.). **Considered**, *Grovit v. Doctor* [1997] 1 W.L.R. 640, H.L.(E.)
- Bolam v. Friern Hospital Management Committee [1957] 1 W.L.R. 582; [1957] 2 All E.R. 118. **Applied**, *Bolitho v. City and Hackney Health Authority* [1997] 3 W.L.R. 1151, H.L.(E.)
- Bolitho v. City and Hackney Health Authority [1994] 1 Med.L.R. 381, C.A. **Decision of the Court of Appeal affirmed** [1997] 3 W.L.R. 1151, H.L.(E.)
- Bonalumi v. Secretary of State for the Home Department [1985] Q.B. 675; [1985] 2 W.L.R. 722; [1985] 1 All E.R. 797, C.A. **Considered**, *Cuoghi v. Governor of Brixton Prison* [1997] 1 W.L.R. 1346, C.A.
- Bonnington Castings Ltd. v. Wardlaw [1956] A.C. 613; [1956] 2 W.L.R. 707; [1956] 1 All E.R. 615, H.L.(E.). **Applied**, *Vernon v. Bosley (No. 1)* [1997] R.T.R. 1, C.A.
- Booth (E.V.) (Holdings) Ltd. v. Buckwell (1980) 53 T.C. 425. **Considered**, *Spectros International Plc. v. Madden* (1996) T.C. Leaflet No. 3503
- Boswell v. Coaks (1887) 57 L.J.Ch. 101, C.A. **Applied**, *Electricity Supply Nominees Ltd. v. Farrell* [1997] 1 W.L.R. 1149, C.A.
- Boukadoura Maritime Corpn. v. Société Anonyme Marocaine de l'Industrie et du Raffinage [1989] 1 Lloyd's Rep. 393. **Considered**, *Trade Star Line Corpn. v. Mitsui & Co. Ltd.* [1996] 2 Lloyd's Rep. 449, Tuckey J. and C.A.
- Bourhill v. Young [1943] A.C. 92, 103, 108-109; [1942] 2 All E.R. 396, H.L.(Sc.). **Dicta of Lord Macmillan applied**, *R. v. Ireland* [1997] 3 W.L.R. 534, H.L.(E.). **Dicta of Lord Wright applied**, *Frost v. Chief Constable of South Yorkshire Police* [1997] 3 W.L.R. 1194, C.A.
- Bracegirdle v. Oxley [1947] K.B. 349; [1947] 1 All E.R. 126, D.C. **Applied**, *McDermott v. Director of Public Prosecutions* [1997] R.T.R. 474, D.C.
- Brasserie du Pêcheur S.A. v. Federal Republic of Germany (Cases C-46/93 and C-48/93) [1996] Q.B. 404; [1996] 2 W.L.R. 506; [1996] All E.R.(E.C.) 301; [1996] E.C.R. I-1029, E.C.J. **Applied**, *R. v. Secretary of State for Social Security, Ex parte Sutton* (Case C-66/95) [1997] I.C.R. 961, E.C.J.

- Brassington v. Caudon Wholesale Ltd. [1978] I.C.R. 405, E.A.T. **Followed**, *Cleveland Ambulance N.H.S. Trust v. Blane* [1997] I.C.R. 851, E.A.T.
- Brentwood Brick and Coal Co., *In re* (1876) 4 Ch.D. 562, C.A. **Distinguished**, *Barclays Bank Plc. v. Estates & Commercial Ltd.* [1997] 1 W.L.R. 415, C.A.
- Bridlington Relay Ltd. v. Yorkshire Electricity Board [1965] Ch. 436; [1965] 2 W.L.R. 349; [1965] 1 All E.R. 264. **Considered**, *Hunter v. Canary Wharf Ltd.* [1997] A.C. 655; [1997] 2 W.L.R. 684, H.L.(E.).
- Briggs v. Oates [1990] I.C.R. 473; [1991] 1 All E.R. 407. **Explained**, *Rock Refrigeration Ltd. v. Jones* [1997] I.C.R. 938, C.A.
- Briggs (Henry) & Co. Ltd. v. Inland Revenue Comrs. [1961] 1 W.L.R. 68; [1961] 1 All E.R. 220, H.L.(E.). **Distinguished**, *MacNiven v. Westmoreland Investments Ltd.* (1997) T.C. Leaflet No. 3530
- Britannia Building Society v. Earl [1990] 1 W.L.R. 422; [1990] 2 All E.R. 469, C.A. **Distinguished**, *Barclays Bank Plc. v. Zaroovabli* [1997] Ch. 321; [1997] 2 W.L.R. 729
- British Broadcasting Corpn. v. Ioannou [1975] Q.B. 781, 786; [1975] 3 W.L.R. 63; [1975] I.C.R. 267; [1975] 2 All E.R. 999, C.A. **Dictum of Lord Denning M.R. followed**, *Housing Services Agency v. Cragg* [1997] I.C.R. 1050, E.A.T.
- British Coal Corpn. v. Dennis Rye Ltd. (No. 2) [1988] 1 W.L.R. 1113; [1988] 3 All E.R. 816, C.A. **Considered**, *Mahon v. Rahn* [1997] 3 W.L.R. 1230, C.A.
- British Home Stores Ltd. v. Burchell (Note) [1980] I.C.R. 303, E.A.T. **Considered**, *Boys and Girls Welfare Society v. Macdonald* [1997] I.C.R. 693, E.A.T.
- British Leyland Motor Corpn. Ltd. v. Armstrong Patents Co. Ltd. [1986] A.C. 577; [1986] 2 W.L.R. 400; [1986] 1 All E.R. 850, H.L.(E.). **Explained**, *Canon Kabushiki Kaisha v. Green Cartridge Co. (Hong Kong) Ltd.* [1997] A.C. 728; [1997] 3 W.L.R. 13, P.C.
- British South Africa Co. v. Companhia de Moçambique [1893] A.C. 602, H.L.(E.). **Distinguished**, *Pearce v. Ove Arup Partnership Ltd.* [1997] Ch. 293; [1997] 2 W.L.R. 779
- British Steel Plc. v. Customs and Excise Comrs. [1996] 1 All E.R. 1002. **Decision of Laws J. reversed** [1997] 2 All E.R. 366, C.A.
- Brown v. Raphael [1958] Ch. 636; [1958] 2 W.L.R. 647; [1958] 2 All E.R. 79, C.A. **Distinguished**, *Economides v. Commercial Assurance Co. Plc.* [1997] 3 W.L.R. 1066, C.A.
- Brown v. Roberts [1965] 1 Q.B. 1; [1963] 3 W.L.R. 75; [1963] 2 All E.R. 263. **Applied**, *Hatton v. Hall* [1997] R.T.R. 212, C.A.
- Buckingham v. Securitas Properties Ltd. [1980] 1 W.L.R. 380; 53 T.C. 292. **Considered**, *Girobank Plc. v. Clarke* (1996) T.C. Leaflet No. 3477
- Bugg v. Director of Public Prosecutions [1993] Q.B. 473; [1993] 2 W.L.R. 628; [1993] 2 All E.R. 815, D.C. **Considered**, *R. v. Wicks* [1997] 2 W.L.R. 876; H.L.(E.). **Disapproved**, *Percy v. Hall* [1997] Q.B. 924; [1997] 3 W.L.R. 573, C.A.
- Bugge v. Taylor [1941] 1 K.B. 198, D.C. **Considered**, *Cutter v. Eagle Star Insurance Co. Ltd.* [1997] 1 W.L.R. 1082, C.A.
- Bullivant v. Attorney-General for Victoria [1901] A.C. 196, H.L.(E.). **Considered**, *R. v. Molloy, decd.* [1997] 2 Cr.App.R. 283, C.A.
- Burdle v. Secretary of State for the Environment [1972] 1 W.L.R. 1207; [1972] 3 All E.R. 240; 70 L.G.R. 511, D.C. **Applied**, *R. v. Berkshire County Council, Ex parte Wokingham District Council* (1996) 95 L.G.R. 609, C.A.
- Bwlfa and Merthyr Dare Steam Collieries (1891) Ltd. v. Pontypridd Waterworks Co. [1903] A.C. 426, H.L.(E.). **Applied**, *Garner v. Pounds Shipowners and Shipbreakers Ltd.* (1997) T.C. Leaflet No. 3513
- C. (A Minor) (Care Proceedings: Disclosure), *In re* [1997] Fam. 76; [1997] 2 W.L.R. 322, C.A. **Considered**, *S. v. S.* (1997) T.C. Leaflet No. 3518
- C. (A Minor) v. Director of Public Prosecutions [1996] A.C. 1; [1995] 2 W.L.R. 383; [1995] 2 All E.R. 43; [1995] 2 Cr.App.R. 166, H.L.(E.). **Applied**, *A. v. Director of Public Prosecutions* [1997] 1 Cr.App.R. 27, D.C. **Considered**, *L. (A Minor) v. Director of Public Prosecutions* [1996] 2 Cr.App.R. 501, D.C.
- C. v. C. (Abduction: Rights of Custody) [1989] 1 W.L.R. 654; [1989] 2 All E.R. 465, C.A. **Considered**, *S. v. H. (Abduction: Access Rights)* [1997] 3 W.L.R. 1086
- C.I.B.C. Mortgages Plc. v. Pitt [1994] 1 A.C. 200; [1993] 3 W.L.R. 802; [1993] 4 All E.R. 433, H.L.(E.). **Distinguished**, *Dunbar Bank Plc. v. Nadeem* [1997] 2 All E.R. 253
- Cadby v. Martinez (1840) 11 A. & E. 720. **Overruled**, *Mannai Investment Co. Ltd. v. Eagle Star Life Assurance Co. Ltd.* [1997] A.C. 749; [1997] 2 W.L.R. 945, H.L.(E.)
- Caldwell v. Sumpters [1972] Ch. 478; [1972] 2 W.L.R. 412; [1972] 1 All E.R. 567, C.A. **Applied**, *Bentley v. Gaisford* [1997] Q.B. 627; [1997] 2 W.L.R. 401, C.A.
- Calveley v. Chief Constable of the Merseyside Police [1989] A.C. 1228; [1989] 2 W.L.R. 624; [1989] 1 All E.R. 1025, H.L.(E.). **Applied**, *Waters v. Comr. of Police of the Metropolis* [1997] I.C.R. 1073, C.A.

- Campus Oil Ltd. v. Minister for Industry and Energy (Case 72/83) [1984] E.C.R. 2727, 2749, para. 27, E.C.J. **Dicta applied**, *R. v. H.M. Treasury, Ex parte Centro-Com S.r.l.* (Case C-124/95) [1997] Q.B. 683; [1997] 3 W.L.R. 239, E.C.J.
- Canon Kabushiki Kaisha v. Green Cartridge Co. (Hong Kong) Ltd. [1996] 1 H.K.L.R. 69. **Decision of the Court of Appeal of Hong Kong reversed** [1997] A.C. 728; [1997] 3 W.L.R. 13, P.C.
- Capital & Counties Plc. v. Hampshire County Council [1996] 1 W.L.R. 1553; [1996] 4 All E.R. 336. **Decision of Judge Richard Havery Q.C. sitting on official referees' business affirmed** [1997] Q.B. 1004; [1997] 3 W.L.R. 331, C.A.
- Capital & Counties Plc. v. Hampshire County Council [1997] Q.B. 1004; [1997] 3 W.L.R. 331; [1997] 2 All E.R. 865, C.A. **Applied**, *OLL Ltd. v. Secretary of State for Transport* [1997] 3 All E.R. 897. **Considered**, *Barrett v. Enfield London Borough Council* [1997] 3 W.L.R. 628, C.A.
- Carecraft Construction Co. Ltd., *In re* [1994] 1 W.L.R. 172; [1993] 4 All E.R. 499. **Distinguished**, *In re Blackspur Group Plc.* [1997] 1 W.L.R. 710
- Carradine Properties Ltd. v. Aslam [1976] 1 W.L.R. 442; [1976] 1 All E.R. 573. **Applied**, *Mannai Investment Co. Ltd. v. Eagle Star Life Assurance Co. Ltd.* [1997] A.C. 749; [1997] 2 W.L.R. 945, H.L.(E.)
- Chadwick v. British Railways Board [1967] 1 W.L.R. 912; [1967] 2 All E.R. 945. **Applied**, *Frost v. Chief Constable of South Yorkshire Police* [1997] 3 W.L.R. 1194, C.A.
- Chaggar v. Chaggar [1995] 4 All E.R. 795. **Decision of Chadwick J. affirmed** [1997] 1 All E.R. 104, C.A.
- Chamberlain v. Inland Revenue Comrs. (1943) 25 T.C. 317. **Distinguished**, *Young v. Pearce* (1996) T.C. Leaflet No. 3482
- Chan Man-Sin v. The Queen [1988] 1 W.L.R. 196; [1988] 1 All E.R. 1; 86 Cr.App.R. 303, P.C. **Followed**, *R. v. Hilton* [1997] 2 Cr.App.R. 445, C.A.
- Chan Wing-Siu v. The Queen [1985] A.C. 168; [1984] 3 W.L.R. 677; [1984] 3 All E.R. 877, P.C. **Applied**, *R. v. Powell (Anthony)* [1997] 3 W.L.R. 959, H.L.(E.)
- Chancery Lane Safe Deposit and Offices Co. Ltd. v. Inland Revenue Comrs. [1966] A.C. 85, 124; [1966] 2 W.L.R. 251; [1966] 1 All E.R. 1, H.L.(E.). **Dicta of Lord Upjohn applied**, *Wharf Properties Ltd. v. Comr. of Inland Revenue* [1997] A.C. 505; [1997] 2 W.L.R. 334, P.C.
- Channel Tunnel Group Ltd. v. Balfour Beatty Construction Ltd. [1993] A.C. 334; [1993] 2 W.L.R. 262; [1993] 1 All E.R. 664, H.L.(E.). **Considered**, *Cott UK Ltd. v. F. E. Barber Ltd.* [1997] 3 All E.R. 540
- Charge Card Services Ltd., *In re* [1987] Ch. 150, 175-176; [1986] 3 W.L.R. 697; [1986] 3 All E.R. 289. **Dicta of Millett J. disapproved**, *In re Bank of Credit and Commerce International S.A. (No. 8)* [1997] 3 W.L.R. 909, H.L.(E.)
- Chattopadhyay v. Headmaster of Holloway School [1982] I.C.R. 132, 137c, E.A.T. **Dicta of Browne-Wilkinson J. not applied**, *Glasgow City Council v. Zafar* [1997] 1 W.L.R. 1659, H.L.(Sc.)
- Cheryl Investments Ltd. v. Saldanha [1978] 1 W.L.R. 1329; [1979] 1 All E.R. 5, C.A. **Considered**, *Esselte A.B. v. Pearl Assurance Plc.* [1997] 1 W.L.R. 891, C.A.
- Chief Adjudication Officer v. Wolke [1996] All E.R.(E.C.) 850, C.A. **Decision of the Court of Appeal reversed** [1997] 1 W.L.R. 1640, H.L.(E.)
- China v. Harrow Urban District Council [1954] 1 Q.B. 178; [1953] 3 W.L.R. 885; [1953] 2 All E.R. 1296, D.C. **Applied**, *In re A Debtor (No. 50A-SD-1995)* [1997] Ch. 310; [1997] 2 W.L.R. 57
- Circuit Systems Ltd. v. Zuken-Redac (U.K.) Ltd. [1997] 1 W.L.R. 721; [1996] 3 All E.R. 748, C.A. **Decision of the Court of Appeal affirmed** [1997] 3 W.L.R. 1177, H.L.(E.)
- Citi-March Ltd. v. Neptune Orient Lines Ltd. [1996] 1 W.L.R. 1367; [1996] 2 All E.R. 545; [1997] 1 Lloyd's Rep. 72. **Applied**, *Mahavir Minerals Ltd. v. Cho Yang Shipping Co. Ltd.* [1997] 1 Lloyd's Rep. 566
- Clagett, *In re; Ex parte Lewis* (1888) 36 W.R. 653, C.A. **Applied**, *Ezekiel v. Orakpo* [1997] 1 W.L.R. 340, C.A.
- Clark v. Secretary of State for Employment [1995] I.C.R. 673, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1997] I.C.R. 64, C.A.
- Clarke v. Bruce Lance & Co. [1988] 1 W.L.R. 881; [1988] 1 All E.R. 364, C.A. **Applied**, *Carr-Glynn v. Frearsons* [1997] 2 All E.R. 614
- Claybridge Shipping Co. S.A., *In re* [1981] Com.L.R. 107, C.A. **Applied**, *Alipour v. Ary* [1997] 1 W.L.R. 534, C.A.
- Clayton (Herbert) and Jack Waller Ltd. v. Oliver [1930] A.C. 209, H.L.(E.). **Considered**, *Mahmud v. Bank of Credit and Commerce International S.A.* [1997] 3 W.L.R. 95; [1997] I.C.R. 606, H.L.(E.)
- Cleaver, decd., *In re* [1981] 1 W.L.R. 939; [1981] 2 All E.R. 1018. **Distinguished**, *In re Goodchild, decd.* [1997] 1 W.L.R. 1216, C.A.
- Clement-Clarke International Ltd. v. Manley [1979] I.C.R. 74, E.A.T. **Not followed**, *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1997] I.C.R. 237, E.A.T.
- Cleveleys Investment Trust Co. v. Inland Revenue Comrs. (1971) 47 T.C. 300. **Considered**, *Taylor Clark International Ltd. v. Lewis* (1997) T.C. Leaflet No. 3514

- Cocks v. Thanet District Council [1983] 2 A.C. 286; [1982] 3 W.L.R. 1121; [1982] 3 All E.R. 1135, H.L.(E.). **Applied**, *O'Rourke v. Camden London Borough Council* [1997] 3 W.L.R. 86, H.L.(E.).
- Cohen (A Bankrupt), *In re* [1961] Ch. 246; [1961] 2 W.L.R. 237; [1961] 1 All E.R. 646, C.A. **Considered**, *In re Landau (A Bankrupt)* [1997] 3 W.L.R. 225
- Comet Products U.K. Ltd. v. Hawkey Plastics Ltd. [1971] 2 Q.B. 67; [1971] 2 W.L.R. 361; [1971] 1 All E.R. 1141, C.A. **Applied**, *Cobra Golf Inc. v. Rata* [1997] 2 W.L.R. 629
- Commission of the European Communities v. Federal Republic of Germany ("Leybucht Dykes") (Case C-57/89) [1991] E.C.R. I-883, E.C.J. **Considered**, *R. v. Secretary of State for the Environment, Ex parte Royal Society for the Protection of Birds (Port of Sheerness Ltd., Intervener)* (Case C-44/95) [1997] Q.B. 206; [1997] 2 W.L.R. 123, E.C.J.
- Commission of the European Communities v. Italian Republic (Case 52/75) [1976] E.C.R. 277, 284, para. 12/13, E.C.J. **Dicta applied**, *Dillenkofer v. Federal Republic of Germany* (Joined Cases C-178, 179 and 188-190/94) [1997] Q.B. 259; [1997] 2 W.L.R. 253, E.C.J.
- Commission of the European Communities v. Kingdom of Belgium (Case 283/86) [1988] E.C.R. 3271, 3278, para. 7, E.C.J. **Dicta applied**, *Dillenkofer v. Federal Republic of Germany* (Joined Cases C-178, 179 and 188-190/94) [1997] Q.B. 259; [1997] 2 W.L.R. 253, E.C.J.
- Commission of the European Communities v. Kingdom of Spain ("Santoña Marshes") (Case C-355/90) [1993] E.C.R. I-4221, E.C.J. **Applied**, *R. v. Secretary of State for the Environment, Ex parte Royal Society for the Protection of Birds (Port of Sheerness Ltd., Intervener)* (Case C-44/95) [1997] Q.B. 206; [1997] 2 W.L.R. 123, E.C.J.
- Commission of the European Communities v. United Kingdom (Case C-383/92) [1994] I.C.R. 664; [1994] E.C.R. I-2479, E.C.J. **Considered**, *Secretary of State for Employment v. Mann* [1997] I.C.R. 209, C.A.
- Compagnie Financière et Commerciale du Pacifique v. Peruvian Guano Co. (1882) 11 Q.B.D. 55, C.A. **Applied**, *Wallace Smith Trust Co. Ltd. v. Deloitte Haskins & Sells* [1997] 1 W.L.R. 257, C.A.
- Comr. of Taxes v. Nchanga Consolidated Copper Mines Ltd. [1964] A.C. 948, 960; [1964] 2 W.L.R. 339; [1964] 1 All E.R. 208, P.C. **Dicta of Viscount Radcliffe applied**, *Wharf Properties Ltd. v. Comr. of Inland Revenue* [1997] A.C. 505; [1997] 2 W.L.R. 334, P.C.
- Comrs. of Inland Revenue v. Anglo Brewing Co. Ltd. (1925) 12 T.C. 803. **Distinguished**, *Comr. of Inland Revenue v. Cosmotron Manufacturing Co. Ltd.* [1997] 1 W.L.R. 1288, P.C.
- Connelly v. Director of Public Prosecutions [1964] A.C. 1254; [1964] 2 W.L.R. 1145; [1964] 2 All E.R. 401; 48 Cr.App.R. 183, H.L.(E.). **Applied**, *R. v. Beedie* [1997] 3 W.L.R. 758, C.A.
- Connelly v. R.T.Z. Corpn. Plc. [1996] Q.B. 361; [1996] 2 W.L.R. 251; [1996] 1 All E.R. 500, C.A. **Decision of the Court of Appeal reversed** [1997] 3 W.L.R. 373, H.L.(E.)
- Continental Bank N.A. v. Aeakos Compania Naviera S.A. [1994] 1 W.L.R. 588; [1994] 2 All E.R. 540; [1994] 1 Lloyd's Rep. 505, C.A. **Applied**, *Lexmar Corpn. v. Nordisk Skibsforsikring* [1997] 1 Lloyd's Rep. 289
- Conway v. Rimmer [1968] A.C. 910; [1968] 2 W.L.R. 998; [1968] 1 All E.R. 874, H.L.(E.). **Considered**, *Savage v. Chief Constable of Hampshire* [1997] 1 W.L.R. 1061, C.A.
- Cookson v. Knowles [1979] A.C. 556; [1978] 2 W.L.R. 978; [1978] 2 All E.R. 604, H.L.(E.). **Applied**, *Wells v. Wells* [1997] 1 W.L.R. 652, C.A.
- Co-operative Insurance Society Ltd. v. Argyll Stores (Holdings) Ltd. [1996] Ch. 286; [1996] 3 W.L.R. 27; [1996] 3 All E.R. 934, C.A. **Decision of the Court of Appeal reversed** [1997] 2 W.L.R. 898, H.L.(E.)
- Copeman v. Coleman [1939] 2 K.B. 484; [1939] 3 All E.R. 224; 22 T.C. 594. **Applied**, *Young v. Pearce* (1996) T.C. Leaflet No. 3482
- Coral Squash Clubs Ltd. v. Matthews [1979] I.C.R. 607, E.A.T. **Followed**, *Hackney London Borough Council v. Usher* [1997] I.C.R. 705, E.A.T.
- Corbett v. Corbett (or se. Ashley) [1971] P. 83; [1970] 2 W.L.R. 1306; [1970] 2 All E.R. 33. **Considered**, *S.-T. (formerly J.) v. J.* [1997] 3 W.L.R. 1287, C.A.
- County Personnel (Employment Agency) Ltd. v. Alan R. Pulver & Co. [1987] 1 W.L.R. 916; [1987] 1 All E.R. 289, C.A. **Applied**, *Downs v. Chappell* [1997] 1 W.L.R. 426, C.A.
- Courtaulds Northern Spinning Ltd. v. Moosa [1984] I.C.R. 218, E.A.T. **Approved**, *Tracey v. Crosville Wales Ltd.* [1997] 3 W.L.R. 800; [1997] I.C.R. 862, H.L.(E.)
- Coventry, decd., *In re* [1980] Ch. 461; [1979] 3 W.L.R. 802; [1979] 3 All E.R. 815, C.A. **Considered**, *In re Goodchild, decd.* [1997] 1 W.L.R. 1216, C.A.
- Coventry Newspapers Ltd., *Ex parte* [1993] Q.B. 278; [1992] 3 W.L.R. 916; [1993] 1 All E.R. 86, C.A. **Considered**, *Mahon v. Rahn* [1997] 3 W.L.R. 1230, C.A.
- Cox v. Camden London Borough Council [1996] I.C.R. 815, E.A.T. **Not followed**, *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1997] I.C.R. 237, E.A.T.
- Crest Homes Plc. v. Marks [1987] A.C. 829; [1987] 3 W.L.R. 293; [1987] 2 All E.R. 1074, H.L.(E.). **Distinguished**, *Cobra Golf Inc. v. Rata* [1997] 2 W.L.R. 629
- Croke v. Wiseman [1982] 1 W.L.R. 71; [1981] 3 All E.R. 852, C.A. **Applied**, *Wells v. Wells* [1997] 1 W.L.R. 652, C.A.

- Cull v. Cowcher (1934) 18 T.C. 449. **Considered**, *Walker v. Centaur Clothes Group Ltd.* (1996) T.C. Leaflet No. 3501
- Curling v. The Law Society [1985] 1 W.L.R. 470; [1985] 1 All E.R. 705, C.A. **Applied**, *Parkes v. Legal Aid Board* [1997] 1 W.L.R. 1547, C.A.
- Customs and Excise Comrs. v. Faith Construction Ltd. [1990] 1 Q.B. 905; [1989] 3 W.L.R. 678; [1989] 2 All E.R. 938, C.A. **Distinguished**, *MacNiven v. Westmoreland Investments Ltd.* (1997) T.C. Leaflet No. 3530
- Cutler v. Wandsworth Stadium Ltd. [1949] A.C. 398; [1949] 1 All E.R. 544, H.L.(E.). **Applied**, *Mid Kent Holdings Plc. v. General Utilities Plc.* [1997] 1 W.L.R. 14
- D. (An Infant) (Adoption: Parent's Consent), *In re* [1977] A.C. 602, 641; [1977] 2 W.L.R. 79; [1977] 1 All E.R. 145, H.L.(E.). **Dictum of Lord Kilbrandon applied**, *In re W. (A Minor) (Adoption: Homosexual Adopter)* [1997] 3 W.L.R. 768
- D. & C. Builders Ltd. v. Rees [1966] 2 Q.B. 617; [1966] 2 W.L.R. 288; [1965] 3 All E.R. 837, C.A. **Applied**, *Ferguson v. Davies* [1997] 1 All E.R. 315, C.A.
- DJM International Ltd. v. Nicholas [1996] I.C.R. 214, E.A.T. **Considered**, *Tsangacos v. Amalgamated Chemicals Ltd.* [1997] I.C.R. 154, E.A.T.
- D. v. M. [1996] I.R.L.R. 192. **Overruled**, *Rock Refrigeration Ltd. v. Jones* [1997] I.C.R. 938, C.A.
- D. v. Registrar General [1996] 1 F.L.R. 707. **Decision of Cazalet J. affirmed** [1997] 2 W.L.R. 739, C.A.
- Dale, decd., *In re* [1994] Ch. 31; [1993] 3 W.L.R. 652; [1993] 4 All E.R. 129. **Applied**, *In re Goodchild, decd.* [1997] 1 W.L.R. 1216, C.A.
- Dale and Plant Ltd., *In re* (1889) 43 Ch.D. 255, 259. **Dictum of Kay J. applied**, *Soden v. British & Commonwealth Holdings Plc.* [1997] 2 W.L.R. 206, C.A.
- Dallison v. Caffery [1965] 1 Q.B. 348; [1964] 3 W.L.R. 385; [1964] 2 All E.R. 610, C.A. **Considered**, *O'Hara v. Chief Constable of the Royal Ulster Constabulary* [1997] A.C. 286; [1997] 2 W.L.R. 1, H.L.(N.I.); *R. v. Mills* [1997] 3 W.L.R. 458, H.L.(E.)
- Danchevsky v. Danchevsky (No. 2) (1977) 121 S.J. 796, C.A. **Applied**, *Kumari v. Jalal* [1997] 1 W.L.R. 97, C.A.
- D'Avigdor-Goldsmid v. Inland Revenue Comrs. [1953] A.C. 347; [1953] 2 W.L.R. 372; [1953] 1 All E.R. 403, H.L.(E.). **Applied**, *In re Landau (A Bankrupt)* [1997] 3 W.L.R. 225
- Dawson, *In re*; Johnston v. Hill (1888) 39 Ch.D. 155. **Applied**, *Figg v. Clarke* [1997] 1 W.L.R. 603
- Dawson & Co. v. Bingley Urban District Council [1911] 2 K.B. 149, C.A. **Considered**, *Capital & Counties Plc. v. Hampshire County Council* [1977] Q.B. 1004; [1997] 3 W.L.R. 331, C.A.
- de Dampierre v. de Dampierre [1988] A.C. 92; [1987] 2 W.L.R. 1006; [1987] 2 All E.R. 1, H.L.(E.). **Applied**, *S. v. S. (Matrimonial Proceedings: Appropriate Forum)* [1997] 1 W.L.R. 1200
- Deane v. Ealing London Borough Council [1993] I.C.R. 329, E.A.T. **Considered**, *Prison Service v. Johnson* [1997] I.C.R. 275, E.A.T.
- Deanplan Ltd. v. Mahmoud [1993] Ch. 151; [1992] 3 W.L.R. 467; [1992] 3 All E.R. 945. **Distinguished**, *Johnson v. Davies* [1997] 1 W.L.R. 1511
- Deen v. Andrews [1986] 1 E.G.L.R. 262. **Considered**, *Elitestone Ltd. v. Morris* [1997] 1 W.L.R. 687, H.L.(E.)
- Deeny v. Gooda Walker Ltd. (No. 3) [1996] L.R.L.R. 168. **Applied**, *Aiken v. Stewart Wrightson Members Agency Ltd.* [1996] 2 Lloyd's Rep. 577, C.A.
- Deerness v. John R. Keeble & Son (Brantham) Ltd. [1983] 2 Lloyd's Rep. 260, H.L.(E.). **Applied**, *Forward v. Hendricks* [1997] 2 All E.R. 395, C.A.
- Def Lepp Music v. Stuart-Brown [1986] R.P.C. 273. **Distinguished**, *Pearce v. Ove Arup Partnership Ltd.* [1997] Ch. 293; [1997] 2 W.L.R. 779
- Deichland, *The* [1990] 1 Q.B. 361; [1989] 3 W.L.R. 478; [1989] 2 All E.R. 1066, C.A. **Applied**, *Republic of India v. India Steamship Co. Ltd. (No. 2)* [1997] 3 W.L.R. 818, H.L.(E.). **Considered**, *Republic of India v. India Steamship Co. Ltd. (No. 2)* [1997] 2 W.L.R. 538, C.A.
- Deloitte, *In re*; Griffiths v. Deloitte [1926] Ch. 56. **Applied**, *Figg v. Clarke* [1997] 1 W.L.R. 603
- Department of Transport v. Chris Smaller (Transport) Ltd. [1989] A.C. 1197; [1989] 2 W.L.R. 578; [1989] 1 All E.R. 897, H.L.(E.). **Considered**, *Frota Oceanica Brasileira S.A. v. Steamship Mutual Underwriting Association (Bermuda) Ltd.* [1996] 2 Lloyd's Rep. 461, C.A.; *Grovit v. Doctor* [1997] 1 W.L.R. 640, H.L.(E.)
- Derrybaa Ltd. v. Castro-Blanco [1986] I.C.R. 546, E.A.T. **Followed**, *Immigration Advisory Service v. Oommen* [1997] I.C.R. 683, E.A.T.
- Derwent Coachworks v. Kirby [1995] I.C.R. 48, E.A.T. **Not followed**, *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1997] I.C.R. 237, E.A.T.
- Digital Equipment Co. Ltd. v. Clements [1996] I.C.R. 829, E.A.T. **Decision of the Employment Appeal Tribunal set aside** [1997] I.C.R. 237, E.A.T.

- Dines v. Initial Healthcare Services Ltd. [1995] I.C.R. 11, C.A. **Distinguished**, *Betts v. Brintel Helicopters Ltd.* [1997] I.C.R. 792, C.A.
- Director of Public Prosecutions v. Charles (Note) [1996] R.T.R. 247, D.C. **Applied**, *Chatelard v. Director of Public Prosecutions* [1997] R.T.R. 362, D.C.
- Director of Public Prosecutions v. Cottier [1996] 1 W.L.R. 826; [1996] 3 All E.R. 126, D.C. **Approved**, *R. v. Marsh (Dwayne)* [1997] 1 W.L.R. 649, C.A.
- Director of Public Prosecutions v. Coyle [1996] R.T.R. 287, D.C. **Applied**, *Cosgrove v. Director of Public Prosecutions* [1997] R.T.R. 153, D.C.
- Director of Public Prosecutions v. Crofton [1994] R.T.R. 279, D.C. **Applied**, *Director of Public Prosecutions v. Brodzky (Note)* [1997] R.T.R. 425, D.C.
- Director of Public Prosecutions v. Hill-Brookes [1996] R.T.R. 279, D.C. **Applied**, *Chatelard v. Director of Public Prosecutions* [1997] R.T.R. 362, D.C.
- Director of Public Prosecutions v. Newbury [1977] A.C. 500; [1976] 2 W.L.R. 918; [1976] 2 All E.R. 365, H.L.(E.). **Applied**, *Attorney-General's Reference (No. 3 of 1994)* [1997] 3 W.L.R. 421, H.L.(E.).
- Director of Public Prosecutions v. Phillips [1935] 1 K.B. 391, D.C. **Approved**, *In re Senator Hanseatische Verwaltungsgesellschaft m.b.H.* [1997] 1 W.L.R. 515, C.A.
- Director of Public Prosecutions v. Ryan [1992] R.T.R. 13, D.C. **Considered**, *Swain v. McCaul* [1997] R.T.R. 13, D.C.
- Director of Public Prosecutions v. Stonehouse [1978] A.C. 55; [1977] 3 W.L.R. 143; [1977] 2 All E.R. 909, H.L.(E.). **Considered**, *Williams (Kervin) v. The Queen* [1997] A.C. 624; [1997] 2 W.L.R. 910, P.C.
- Director of Public Prosecutions v. Warren [1993] A.C. 319; [1992] 3 W.L.R. 884; [1992] 4 All E.R. 865; [1993] R.T.R. 58, H.L.(E.). **Applied**, *Chatelard v. Director of Public Prosecutions* [1997] R.T.R. 362, D.C. **Explained**, *Fraser v. Director of Public Prosecutions* [1997] R.T.R. 373, D.C.
- Distributori Automatici Italia SpA v. Holford General Trading Co. Ltd. [1985] 1 W.L.R. 1066; [1985] 3 All E.R. 750. **Applied**, *Cobra Golf Inc. v. Rata* [1997] 2 W.L.R. 629
- Dolling-Baker v. Merrett [1990] 1 W.L.R. 1205; [1991] 2 All E.R. 890, C.A. **Considered**, *Wallace Smith Trust Co. Ltd. v. Deloitte Haskins & Sells* [1997] 1 W.L.R. 257, C.A.
- Dorling v. Honnor Marine Ltd. [1965] Ch. 1; [1964] 2 W.L.R. 195; [1964] 1 All E.R. 241, C.A. **Applied**, *Canon Kabushiki Kaisha v. Green Cartridge Co. (Hong Kong) Ltd.* [1997] A.C. 728; [1997] 3 W.L.R. 13, P.C.
- Downs v. Chappell [1997] 1 W.L.R. 426; [1996] 3 All E.R. 344, C.A. **Applied**, *Bristol and West Building Society v. Mothew* [1997] 2 W.L.R. 436, C.A.
- Dowuona v. John Lewis Plc. [1987] I.C.R. 788, C.A. **Distinguished**, *Kwik Save Stores Ltd. v. Greaves* [1997] I.C.R. 629, E.A.T.
- Dresden Estates Ltd. v. Collinson (1987) 55 P. & C.R. 47, C.A. **Considered**, *In Shops Centres Plc. v. Derby City Council* (1996) 95 L.G.R. 161
- Drive Yourself Hire Co. (London) Ltd. v. Strutt [1954] 1 Q.B. 250, 274; [1953] 3 W.L.R. 1111; [1953] 2 All E.R. 1475, C.A. **Dictum of Denning L.J. not followed**, *Amsprop Trading Ltd. v. Harris Distribution Ltd.* [1997] 1 W.L.R. 1025
- Dudley and District Benefit Building Society v. Emerson [1949] Ch. 707; [1949] 2 All E.R. 252, C.A. **Distinguished**, *Barclays Bank Plc. v. Zaroovabli* [1997] Ch. 321; [1997] 2 W.L.R. 729
- Dumez France v. Hessische Landesbank (Helaba) (Case C-220/88) [1990] E.C.R. I-49, E.C.J. **Applied**, *Mecklermedia Corp. v. D.C. Congress G.m.b.H.* [1997] 3 W.L.R. 479
- Doyle v. Olby (Ironmongers) Ltd. [1969] 2 Q.B. 158; [1969] 2 W.L.R. 673; [1969] 2 All E.R. 119, C.A. **Applied**, *Downs v. Chappell* [1997] 1 W.L.R. 426, C.A.
- E.W.A. (A Debtor), *In re* [1901] 2 K.B. 642, C.A. **Distinguished**, *Johnson v. Davies* [1997] 1 W.L.R. 1511
- E.Y.L. Trading Co. Ltd. v. Inland Revenue Comrs. [1962] 1 W.L.R. 1072; [1962] 3 All E.R. 303; 40 T.C. 386, C.A. **Distinguished**, *MacNiven v. Westmoreland Investments Ltd.* (1997) T.C. Leaflet No. 3530
- East Suffolk Rivers Catchment Board v. Kent [1941] A.C. 74; [1940] 4 All E.R. 527, H.L.(E.). **Considered**, *Capital & Counties Plc. v. Hampshire County Council* [1997] Q.B. 1004; [1997] 3 W.L.R. 331, C.A.
- Ebac Ltd. v. Wymer [1995] I.C.R. 466, E.A.T. **Considered**, *Jones v. Governing Body of Burdett Courts School* [1997] I.C.R. 390, E.A.T.
- Eden v. Mitchell [1975] R.T.R. 425, D.C. **Distinguished**, *Dunthorne v. Bentley* [1996] R.T.R. 428, C.A.
- Edmunds v. Waugh (1866) L.R. 1 Eq. 418. **Applied**, *Ezekiel v. Orakpo* [1997] 1 W.L.R. 340, C.A.
- Elf Enterprise Caledonia Ltd. v. Inland Revenue Comrs. (1994) 68 T.C. 328. **Distinguished**, *Boote v. Banco do Brasil S.A.* (1997) T.C. Leaflet No. 3509, C.A.
- Elgindata Ltd. (No. 2), *In re* [1992] 1 W.L.R. 1207; [1993] 1 All E.R. 232, C.A. **Applied**, *The Antares II* [1996] 2 Lloyd's Rep. 482

- Elguzouli-Daf v. Comr. of Police of the Metropolis [1995] Q.B. 335; [1995] 2 W.L.R. 173; [1995] 1 All E.R. 833, C.A. **Considered**, *Olotu v. Home Office* [1997] 1 W.L.R. 328, C.A.
- Ellerine Brothers (Pty.) Ltd. v. Klinger [1982] 1 W.L.R. 1375; [1982] 2 All E.R. 737, C.A. **Applied**, *Halki Shipping Corp. v. Sopex Oils Ltd.* [1997] 1 W.L.R. 1268
- Ellerker v. Union Cold Storage Co. Ltd. [1939] 1 All E.R. 23; 22 T.C. 195. **Considered**, *Girobank Plc. v. Clarke* (1996) T.C. Leaflet No. 3477
- Elliott v. Grey [1960] 1 Q.B. 367; [1959] 3 W.L.R. 956; [1959] 3 All E.R. 733, D.C. **Distinguished**, *Dunthorne v. Bentley* [1996] R.T.R. 428, C.A.
- Ellis v. Jones [1973] 2 All E.R. 892, D.C. **Applied**, *R. v. Derwentside Justices, Ex parte Swift* [1997] R.T.R. 89, D.C. **Considered**, *Director of Public Prosecutions v. Mansfield* [1997] R.T.R. 96, D.C.
- Ellis Mechanical Services Ltd. v. Wates Construction Ltd. (Note) [1978] 1 Lloyd's Rep. 33, C.A. **Distinguished**, *Halki Shipping Corp. v. Sopex Oils Ltd.* [1997] 1 W.L.R. 1268
- Elvidge v. Coventry County Council [1994] Q.B. 241; [1993] 3 W.L.R. 976; [1994] I.C.R. 68; [1993] 4 All E.R. 903; 92 L.G.R. 237, C.A. **Considered**, *Berkshire County Council v. Greenfield* (1996) 95 L.G.R. 327, C.A.
- Emanuel v. Emanuel [1982] 1 W.L.R. 669; [1982] 2 All E.R. 342. **Applied**, *Cobra Golf Inc. v. Rata* [1997] 2 W.L.R. 629
- Emmott v. Minister for Social Welfare (Case C-208/90) [1993] I.C.R. 8; [1991] E.C.R. I-4269, E.C.J. **Distinguished**, *Preston v. Wolverhampton Healthcare N.H.S. Trust* [1997] I.C.R. 899, C.A.
- English, Scottish and Australian Chartered Bank, *In re* [1893] 3 Ch. 385, C.A. **Considered**, *In re Bank of Credit and Commerce International S.A. (No. 10)* [1997] Ch. 213; [1997] 2 W.L.R. 172
- Erlanger v. New Sombrero Phosphate Co. (1878) 3 App.Cas. 1218, H.L.(E.). **Applied**, *Dunbar Bank Plc. v. Nadeem* [1997] 2 All E.R. 253
- Esso Petroleum Co. Ltd. v. Mardon [1976] Q.B. 801; [1976] 2 W.L.R. 583; [1976] 2 All E.R. 5, C.A. **Applied**, *Downs v. Chappell* [1997] 1 W.L.R. 426, C.A.
- Esso Petroleum Co. Ltd. v. Ministry of Defence [1990] Ch. 163; [1989] 3 W.L.R. 1129; 62 T.C. 253. **Considered**, *Memec Plc. v. Inland Revenue Comrs.* (1996) T.C. Leaflet No. 3496
- Eurocross Sales Ltd. v. Cornhill Insurance Plc. [1995] 1 W.L.R. 1517; [1995] 4 All E.R. 950, C.A. **Considered**, *Norglen Ltd. v. Reeds Rains Prudential Ltd.* [1997] 3 W.L.R. 1177, H.L.(E.)
- Ezekiel v. Orakpo [1977] Q.B. 260; [1976] 3 W.L.R. 693; [1976] 3 All E.R. 659, C.A. **Applied**, *Razzaq v. Pala* [1997] 1 W.L.R. 1336
- F. (A Minor) (Abduction: Custody Rights), *In re* [1991] Fam. 25; [1990] 3 W.L.R. 1272; [1990] 3 All E.R. 97, C.A. **Applied**, *In re P. (A Minor) (Child Abduction: Non-Convention Country)* [1997] Fam. 45; [1997] 2 W.L.R. 223, C.A.
- F. (Mental Patient: Sterilisation), *In re* [1990] 2 A.C. 1; [1989] 2 W.L.R. 1025; [1989] 2 All E.R. 545, H.L.(E.). **Applied**, *In re Y. (Mental Patient: Bone Marrow Donation)* [1997] Fam. 110; [1997] 2 W.L.R. 556
- F.S. (Minors) (Care Proceedings), *In re* [1996] 1 F.C.R. 666, 676-677, C.A. **Dicta of Morritt L.J. applied**, *In re N. (A Minor) (Sexual Abuse: Video Evidence)* [1997] 1 W.L.R. 153, C.A.
- F.P.H. Finance Trust Ltd. v. Inland Revenue Comrs. [1944] A.C. 285; [1944] 1 All E.R. 653; 26 T.C. 131, H.L.(E.). **Considered**, *MacNiven v. Westmoreland Investments Ltd.* (1997) T.C. Leaflet No. 3530
- F. v. F. (Duxbury Calculation: Rate of Return) [1996] 1 F.L.R. 833. **Disapproved**, *Wells v. Wells* [1997] 1 W.L.R. 652, C.A.
- Fakes v. Taylor Woodrow Construction Ltd. [1973] Q.B. 436; [1973] 2 W.L.R. 161; [1973] 1 All E.R. 670, C.A. **Considered**, *Trustee of the Property of Andrews v. Brock Builders (Kessingland) Ltd.* [1997] Q.B. 674; [1997] 3 W.L.R. 124, C.A. **Doubted**, *Connelly v. R.T.Z. Corp. Plc.* [1997] 3 W.L.R. 373, H.L.(E.)
- Farrell v. Alexander [1977] A.C. 59; [1976] 3 W.L.R. 145; [1976] 2 All E.R. 721, H.L.(E.). **Considered**, *Johnson v. Prudential Assurance Co. Ltd.* (1996) T.C. Leaflet No. 3484
- Fawcett Properties Ltd. v. Buckingham County Council [1961] A.C. 636; [1960] 3 W.L.R. 831; [1960] 3 All E.R. 503, H.L.(E.). **Applied**, *Percy v. Hall* [1997] Q.B. 924; [1997] 3 W.L.R. 573, C.A.
- Federal Bulk Carriers Inc. v. C. Itoh & Co. Ltd. [1989] 1 Lloyd's Rep. 103, C.A. **Considered**, *Excess Insurance Co. Ltd. v. Mander* [1997] 2 Lloyd's Rep. 119
- Federal Commerce & Navigation Co. Ltd. v. Molena Alpha Inc. [1978] Q.B. 927, 974-975; [1978] 3 W.L.R. 309; [1978] 3 All E.R. 1066, C.A. **Dicta of Lord Denning M.R. applied**, *Esso Petroleum Co. Ltd. v. Milton* [1997] 1 W.L.R. 938, C.A.
- Felixstowe Dock & Railway Co. v. United States Lines Inc. [1989] Q.B. 360; [1989] 2 W.L.R. 109; [1988] 2 All E.R. 77. **Considered**, *In re Bank of Credit and Commerce International S.A. (No. 10)* [1997] Ch. 213; [1997] 2 W.L.R. 172
- Fielder v. Vedlynn Ltd. (1992) 65 T.C. 145. **Considered**, *Spectros International Plc. v. Madden* (1996) T.C. Leaflet No. 3503

- Findlay, *In re* [1985] A.C. 318; [1984] 3 W.L.R. 1159; [1984] 3 All E.R. 801, H.L.(E.). **Applied**, *R. v. Secretary of State for the Home Department, Ex parte Hargreaves* [1997] 1 W.L.R. 906, C.A.
- Fisher v. Oldham Corp'n. [1930] 2 K.B. 364. **Applied**, *Farah v. Comr. of Police of the Metropolis* [1997] 2 W.L.R. 824, C.A.
- Fisscher v. Voorhuis Hengelo B.V. (Case C-128/93) [1995] I.C.R. 635; [1944] E.C.R. I-4583, E.C.J. **Considered**, *Preston v. Wolverhampton Healthcare N.H.S. Trust* [1997] I.C.R. 899, C.A.
- Forward v. West Sussex County Council [1995] 1 W.L.R. 1469; [1995] 4 All E.R. 207, C.A. **Applied**, *Robertson v. Banham & Co.* [1997] 1 W.L.R. 446, C.A.
- Foster v. British Gas Plc. (Case C-188/89) [1991] 1 Q.B. 405; [1991] 2 W.L.R. 258; [1991] I.C.R. 84; [1990] 3 All E.R. 897; [1990] E.C.R. I-3313, E.C.J.; [1991] 2 A.C. 306; [1991] 2 W.L.R. 1075; [1991] I.C.R. 463; [1991] 2 All E.R. 705, H.L.(E.). **Considered**, *National Union of Teachers v. Governing Body of St. Mary's Church of England (Aided) Junior School* [1997] I.C.R. 334, C.A.
- Fothergill v. Monarch Airlines Ltd. [1981] A.C. 251; [1980] 3 W.L.R. 209; [1980] 2 All E.R. 696, H.L.(E.). **Applied**, *Sidhu v. British Airways Plc.* [1997] A.C. 430; [1997] 2 W.L.R. 26, H.L.(E. & Sc.)
- Fox v. Stirk and Bristol Electoral Registration Officer [1970] 2 Q.B. 463; [1970] 3 W.L.R. 147; [1970] 3 All E.R. 7, C.A. **Considered**, *Goodwin v. Curtis* (1996) T.C. Leaflet No. 3494
- Francovich v. Italian Republic (Joined Cases C-6/90 and C-9/90) [1995] I.C.R. 722; [1991] E.C.R. I-5357, E.C.J. **Applied**, *R. v. Secretary of State for Social Security, Ex parte Sutton* (Case C-66/95) [1997] I.C.R. 961, E.C.J. **Considered**, *Dillenkofer v. Federal Republic of Germany* (Joined Cases C-178, 179 and 188-190/94) [1997] Q.B. 259; [1997] 2 W.L.R. 253, E.C.J.; *Secretary of State for Employment v. Mann* [1997] I.C.R. 209, C.A.
- Fraser, *In re; Ex parte Central Bank of London* [1892] 2 Q.B. 633, C.A. **Applied**, *Nationwide Building Society v. Lewis* [1997] 1 W.L.R. 1181
- Freight Transport Association Ltd v. Royal Berkshire County Council [1981] R.T.R. 95, C.A. **Distinguished**, *U.K. Waste Management Ltd. v. West Lancashire District Council* [1997] R.T.R. 201
- Fry v. Salisbury House Estates Ltd. [1930] A.C. 432; 15 T.C. 266, H.L.(E.). **Considered**, *Johnson v. Prudential Assurance Co. Ltd.* (1996) T.C. Leaflet No. 3484
- Furniss v. Dawson [1984] A.C. 474; [1984] 2 W.L.R. 226; [1984] 1 All E.R. 530; 55 T.C. 324, H.L.(E.). **Applied**, *Inland Revenue Comrs. v. McGuckian* [1997] 1 W.L.R. 991, H.L.(N.I.). **Considered**, *MacNiven v. Westmoreland Investments Ltd.* (1997) T.C. Leaflet No. 3530
- Furniss v. Ford (1981) 55 T.C. 561. **Followed**, *McKinney v. Hagans Caravans (Manufacturing) Ltd.* (1997) T.C. Leaflet No. 3531, C.A.(N.I.)
- G. (A Minor) (Adoption: Freeing Order), *In re* [1996] 2 F.L.R. 398, C.A. **Decision of the Court of Appeal reversed** [1997] A.C. 613; [1997] 2 W.L.R. 747, H.L.(E.)
- Gamlestaden Plc. v. Casa de Suecia S.A. [1994] 1 Lloyd's Rep. 433. **Considered**, *Internationale Nederlanden Aviation Lease B.V. v. Civil Aviation Authority* [1997] 1 Lloyd's Rep. 80
- Gammon (Hong Kong) Ltd. v. Attorney-General of Hong Kong [1985] A.C. 1; [1984] 3 W.L.R. 437; [1984] 2 All E.R. 503; 80 Cr.App.R. 194, P.C. **Applied**, *R. v. Blake* [1997] 1 W.L.R. 1167, C.A.
- Garvin v. Domus Publishing Ltd. [1989] Ch. 335; [1988] 3 W.L.R. 344; [1989] 2 All E.R. 344. **Followed**, *Cobra Golf Inc. v. Rata* [1997] 2 W.L.R. 629
- Gaskins v. British Aluminium Co. Ltd. [1976] Q.B. 524, 530-531; [1976] 2 W.L.R. 6; [1976] 1 All E.R. 208, C.A. **Dictum of Lord Denning M.R. applied**, *Braben v. EMAP Images Ltd.* [1997] 1 W.L.R. 1507
- Gatewhite Ltd. v. Iberia Lineas Aereas de Espana S.A. [1990] 1 Q.B. 326; [1989] 3 W.L.R. 1080. **Doubted**, *Sidhu v. British Airways Plc.* [1997] A.C. 430; [1997] 2 W.L.R. 26, H.L.(E. & Sc.)
- General Billposting Co. Ltd. v. Atkinson [1909] A.C. 118, H.L.(E.). **Applied**, *Rock Refrigeration Ltd. v. Jones* [1997] I.C.R. 938, C.A.
- Giles v. Thompson [1994] 1 A.C. 142; [1993] 2 W.L.R. 908; [1993] 3 All E.R. 321, H.L.(E.). **Applied**, *Tharros Shipping Co. Ltd. v. Bias Shipping Ltd. (No. 3)* [1997] 1 Lloyd's Rep. 246, C.A.
- Gill (Stewart) Ltd. v. Horatio Myer & Co. Ltd. [1992] Q.B. 600; [1992] 2 W.L.R. 721; [1992] 2 All E.R. 257, C.A. **Applied**, *Esso Petroleum Co. Ltd. v. Milton* [1997] 1 W.L.R. 938, C.A.
- Gillespie v. Northern Health and Social Services Board (Case C-342/93) [1996] I.C.R. 498, E.C.J. **Applied**, *Clark v. Secretary of State for Employment* [1997] I.C.R. 64, C.A.
- Glasbrook Brothers Ltd. v. Glamorgan County Council [1925] A.C. 270, H.L.(E.). **Considered**, *R. v. Chief Constable of the North Wales Police, Ex parte AB* [1997] 3 W.L.R. 724, D.C.
- Glasgow City Council v. Zafar, 1997 S.L.T. 281. **Decision of the Second Division of the Court of Session affirmed** [1997] 1 W.L.R. 1659, H.L.(Sc.)
- Godden v. A. Wilson's Stores (Holdings) Ltd. (1962) 40 T.C. 161, C.A. **Not applied**, *Comr. of Inland Revenue v. Cosmotron Manufacturing Co. Ltd.* [1997] 1 W.L.R. 1288, P.C.
- Golden Ocean Assurance Ltd. v. Martin (The Goldean Mariner) [1990] 2 Lloyd's Rep. 215, C.A. **Applied**, *Kuwait Oil Tanker Co. S.A.K. v. Al Bader* [1997] 1 W.L.R. 1410, C.A.

- Goodchild, *dec'd.*, *In re* [1996] 1 W.L.R. 694; [1996] 1 All E.R. 670. **Decision of Carnwath J. affirmed** [1997] 1 W.L.R. 1216, C.A.
- Goodman v. Winchester & Alton Railway Plc. [1985] 1 W.L.R. 141, 148; [1984] 3 All E.R. 594, C.A. **Dictum of Griffiths L.J. disapproved**, *Trustee of the Property of Andrews v. Brock Builders (Kessingland) Ltd.* [1997] Q.B. 674; [1997] 3 W.L.R. 124, C.A.
- Gordon Hill Trust Ltd. v. Segall [1941] 2 All E.R. 379, C.A. **Not followed**, *Michaels v. Harley House (Marylebone) Ltd.* [1997] 1 W.L.R. 967
- Goulding v. James [1996] 4 All E.R. 865. **Decision of Laddie J. reversed** [1997] 2 All E.R. 239, C.A.
- Gouriet v. Union of Post Office Workers [1978] A.C. 435; [1977] 3 W.L.R. 300; [1977] 3 All E.R. 70, H.L.(E.). **Applied**, *Mid Kent Holdings Plc. v. General Utilities Plc.* [1997] 1 W.L.R. 14. **Considered**, *R. v. Inland Revenue Comrs., Ex parte Continental Shipping Ltd. S.A.* (1996) T.C. Leaflet No. 3483
- Gray v. Barr [1971] 2 Q.B. 554; [1971] 2 W.L.R. 1334; [1971] 2 All E.R. 949, C.A. **Considered**, *Dunbar v. Plant* [1997] 3 W.L.R. 1261, C.A.
- Gray v. Perpetual Trustee Co. Ltd. [1928] A.C. 391, P.C. **Applied**, *In re Goodchild, dec'd.* [1997] 1 W.L.R. 1216, C.A.
- Green v. Bowes-Lyon [1963] A.C. 420; [1961] 3 W.L.R. 1044; [1961] 3 All E.R. 843, H.L.(E.). **Followed**, *Esselte A.B. v. Pearl Assurance Plc.* [1997] 1 W.L.R. 891, C.A.
- Green v. Sichel (1860) 7 C.B.N.S. 747. **Applied**, *Glencore Grain Rotterdam B.V. v. Lebanese Organisation for International Commerce (Lorico)* [1997] 1 Lloyd's Rep. 578
- Grein v. Imperial Airways Ltd. [1937] 1 K.B. 50; [1936] 2 All E.R. 1258, C.A. **Considered**, *Sidhu v. British Airways Plc.* [1997] A.C. 430; [1997] 2 W.L.R. 26, H.L.(E. & Sc.); *Herd v. Clyde Helicopters Ltd.* [1997] A.C. 534; [1997] 2 W.L.R. 380, H.L.(Sc.)
- Griffin v. Squires [1958] 1 W.L.R. 1106; [1958] 3 All E.R. 468, D.C. **Considered**, *Clarke v. Kato* [1997] 1 W.L.R. 208, C.A.; *Cutter v. Eagle Star Insurance Co. Ltd.* [1997] 1 W.L.R. 1082, C.A.
- Griffiths, *In re*; *Jones v. Jenkins* [1926] Ch. 1007. **Applied**, *In re Landau (A Bankrupt)* [1997] 3 W.L.R. 225
- Griffiths v. Yorkshire Bank Plc. [1994] 1 W.L.R. 1427. **Not followed**, *In re H. & K. Medway Ltd.* [1997] 1 W.L.R. 1422
- H. (Adoption: Disclosure of Information), *In re* [1995] 1 F.L.R. 236. **Considered**, *In re L. (Adoption: Disclosure of Information)* [1997] 2 W.L.R. 739, C.A.
- Hallamshire Industrial Finance Trust Ltd. v. Inland Revenue Comrs. [1979] 1 W.L.R. 620; [1979] 2 All E.R. 433, 53 T.C. 631. **Distinguished**, *McKinney v. Hagans Caravans (Manufacturing) Ltd.* (1997) T.C. Leaflet No. 3531, C.A.(N.I.)
- Hammersmith and Fulham London Borough Council v. Monk [1992] 1 A.C. 478; [1991] 3 W.L.R. 1144; [1992] 1 All E.R. 1, H.L.(E.). **Applied**, *Harrow London Borough Council v. Johnstone* [1997] 1 W.L.R. 459, H.L.(E.)
- Hankey v. Clavering [1942] 2 K.B. 326; [1942] 2 All E.R. 311, C.A. **Overruled**, *Mannai Investment Co. Ltd. v. Eagle Star Life Assurance Co. Ltd.* [1997] A.C. 749; [1997] 2 W.L.R. 945, H.L.(E.)
- Hanlon v. The Law Society [1981] A.C. 124; [1980] 2 W.L.R. 756; [1980] 2 All E.R. 199, H.L.(E.). **Applied**, *Parkes v. Legal Aid Board* [1997] 1 W.L.R. 1547, C.A.
- Hardaker v. Idle District Council [1896] 1 Q.B. 335, C.A. **Distinguished**, *Rowe v. Herman* [1997] 1 W.L.R. 1390, C.A.
- Harnett v. Bond [1924] 2 K.B. 517, C.A. **Distinguished**, *Ministry of Defence v. Pope* [1997] I.C.R. 296, E.A.T.
- Harris v. Sheffield United Football Club Ltd. [1988] Q.B. 77, 91; [1987] 3 W.L.R. 305; [1987] 2 All E.R. 838, C.A. **Dictum of Neill L.J. applied**, *R. v. Chief Constable of Sussex, Ex parte International Trader's Ferry Ltd.* [1997] 3 W.L.R. 132, C.A.
- Harrison v. Duke of Rutland [1893] 1 Q.B. 142, C.A. **Applied**, *Director of Public Prosecutions v. Jones (Margaret)* [1997] 2 W.L.R. 578, D.C.
- Harrison v. Hill, 1932 J.C. 13. **Considered**, *Clarke v. Kato* [1997] 1 W.L.R. 208, C.A.; *Cutter v. Eagle Star Insurance Co. Ltd.* [1997] 1 W.L.R. 1082, C.A.
- Harrow London Borough Council v. Johnstone (1995) 93 L.G.R. 435, C.A. **Decision of the Court of Appeal reversed** [1997] 1 W.L.R. 459, H.L.(E.)
- Hart v. Aga Khan Foundation (U.K.) [1984] 1 W.L.R. 994; [1984] 2 All E.R. 439, C.A. **Not followed**, *Kawarindrasingh v. White* [1997] 1 W.L.R. 785, C.A.
- Hart v. Sangster [1956] 1 W.L.R. 1105; [1956] 3 All E.R. 52; 37 T.C. 231. **Considered**, *Walker v. Centaur Clothes Group Ltd.* (1996) T.C. Leaflet No. 3501
- Hasselblad (G.B.) Ltd. v. Orbinson [1985] Q.B. 475; [1985] 1 All E.R. 173, C.A. **Considered**, *Iberian U.K. Ltd. v. B.P.B. Industries Plc.* [1997] I.C.R. 164
- Hawkins v. Bepey [1980] 1 W.L.R. 419; [1980] 1 All E.R. 797, D.C. **Distinguished**, *Farah v. Comr. of Police of the Metropolis* [1997] 2 W.L.R. 824, C.A.

- Hayes v. Director of Public Prosecutions [1994] R.T.R. 163, D.C. **Applied**, *Chatelard v. Director of Public Prosecutions* [1997] R.T.R. 362, D.C.
- Hayter v. Nelson [1990] 2 Lloyd's Rep. 265. **Applied**, *Halki Shipping Corp'n. v. Sopex Oils Ltd.* [1997] 1 W.L.R. 1268
- Hedley Byrne & Co. Ltd. v. Heller & Partners Ltd. [1964] A.C. 465; [1963] 3 W.L.R. 101; [1963] 2 All E.R. 575, H.L.(E.). **Applied**, *Welton v. North Cornwall District Council* [1997] 1 W.L.R. 570, C.A.
- Heisler v. Anglo-Dal Ltd. [1954] 1 W.L.R. 1273; [1954] 2 All E.R. 770; [1954] 2 Lloyd's Rep. 5, C.A. **Not applied**, *Glencore Grain Rotterdam B.V. v. Lebanese Organisation for International Commerce (Lorico)* [1997] 2 Lloyd's Rep. 386, C.A.
- Helby v. Matthews [1895] A.C. 471, H.L.(E.). **Considered**, *Forthright Finance Ltd. v. Carlyle Finance Ltd.* [1997] 4 All E.R. 90
- Hempell v. W. H. Smith & Sons Ltd. [1986] I.C.R. 365, E.A.T. **Followed**, *Jones v. Governing Body of Burdett Coutts School* [1997] I.C.R. 390, E.A.T.
- Henderson v. Merrett Syndicates Ltd. [1995] 2 A.C. 145; [1994] 3 W.L.R. 761; [1994] 3 All E.R. 506, H.L.(E.). **Considered**, *Welton v. North Cornwall District Council* [1997] 1 W.L.R. 570, C.A.
- Henke v. Gemeinde Schierke (Case C-298/94) [1997] I.C.R. 746; [1997] All E.R. (E.C.) 173; [1996] E.C.R. I-4989, E.C.J. **Distinguished**, *Governing Body of Clifton Middle School v. Askew* [1997] I.C.R. 808, E.A.T.
- Hepworth v. Pickles [1900] 1 Ch. 108, 110. **Dictum of Farwell J. applied**, *Attorney-General of Hong Kong v. Fairfax Ltd.* [1997] 1 W.L.R. 149, P.C.
- Herd v. Clyde Helicopters Ltd., 1996 S.L.T. 976. **Decision of the Second Division of the Court of Session affirmed** [1997] A.C. 534; [1997] 2 W.L.R. 380, H.L.(Sc.)
- Heslop v. Metcalfe (1873) 3 M. & C. 183, 190. **Dictum of Lord Cottenham L.C. applied**, *Bentley v. Gaisford* [1997] Q.B. 627; [1997] 2 W.L.R. 401, C.A.
- Hickman v. Maisey [1900] 1 Q.B. 752, C.A. **Applied**, *Director of Public Prosecutions v. Jones (Margaret)* [1997] 2 W.L.R. 578, D.C.
- Highlands Insurance Co. v. Continental Insurance Co. (Note) [1987] 1 Lloyd's Rep. 109. **Considered**, *Economides v. Commercial Assurance Co. Plc.* [1997] 3 W.L.R. 1066, C.A.
- Hill v. C.A. Parsons & Co. Ltd. [1972] Ch. 305; [1971] 3 W.L.R. 995; [1971] 3 All E.R. 1345, C.A. **Applied**, *Sparks v. Harland* [1997] 1 W.L.R. 143
- Hill v. Chief Constable of West Yorkshire [1989] A.C. 53; [1988] 2 W.L.R. 1049; [1988] 2 All E.R. 238, H.L.(E.). **Applied**, *Waters v. Comr. of Police of the Metropolis* [1997] I.C.R. 1073, C.A. **Distinguished**, *Welton v. North Cornwall District Council* [1997] 1 W.L.R. 570, C.A.
- Hilton International Hotels (U.K.) Ltd. v. Faraji [1994] I.C.R. 259, E.A.T. **Considered**, *Rubenstein v. McGloughlin* [1997] I.C.R. 318, E.A.T.
- Hilton International Hotels (U.K.) Ltd. v. Kaissi [1994] I.C.R. 578, E.A.T. **Considered**, *Kwik Save Stores Ltd. v. Greaves* [1997] I.C.R. 629, E.A.T.
- Hinz v. Berry [1970] 2 Q.B. 40; [1970] 2 W.L.R. 684; [1970] 1 All E.R. 1074, C.A. **Distinguished**, *Vernon v. Bosley (No. 1)* [1996] R.T.R. 1, C.A.
- Hirst v. Chief Constable of West Yorkshire (1986) 85 Cr.App.R. 143, D.C. **Distinguished**, *Director of Public Prosecutions v. Jones (Margaret)* [1997] 2 W.L.R. 578, D.C.
- Hocking, *In re*; *Michell v. Loe* [1898] 2 Ch. 567, C.A. **Applied**, *Figg v. Clarke* [1997] 1 W.L.R. 603
- Hofmann v. Barmer Ersatzkasse (Case 184/83) [1985] I.C.R. 731; [1984] E.C.R. 3047, E.C.J. **Applied**, *Clark v. Secretary of State for Employment* [1997] I.C.R. 64, C.A.
- Hoffmann-La Roche (F.) & Co. A.G. v. Secretary of State for Trade and Industry [1975] A.C. 295; [1974] 3 W.L.R. 104; [1974] 2 All E.R. 1128, H.L.(E.). **Applied**, *Percy v. Hall* [1997] Q.B. 924; [1997] 3 W.L.R. 573, C.A.
- Holland v. Hodgson (1872) L.R. 7 C.P. 328. **Considered**, *Elitestone Ltd. v. Morris* [1997] 1 W.L.R. 687, H.L.(E.)
- Holmes v. Bangladesh Biman Corp'n. [1989] A.C. 1112; [1989] 2 W.L.R. 481; [1989] 1 All E.R. 852, H.L.(E.). **Considered**, *Herd v. Clyde Helicopters Ltd.* [1997] A.C. 534; [1997] 2 W.L.R. 380, H.L.(Sc.)
- Holmes v. Cowcher [1970] 1 W.L.R. 834; [1970] 1 All E.R. 1224. **Applied**, *Ezekiel v. Orakpo* [1997] 1 W.L.R. 340, C.A.
- Hood Barrs v. Inland Revenue Comrs. (1946) 27 T.C. 385. **Considered**, *Young v. Pearce* (1996) T.C. Leaflet No. 3482
- Horton v. Young [1972] Ch. 157; [1971] 3 W.L.R. 348; [1971] 3 All E.R. 412; 47 T.C. 60, C.A. **Distinguished**, *Miners v. Atkinson* (1995) T.C. Leaflet No. 3500
- Hughes v. Bank of New Zealand [1938] A.C. 366; [1938] 1 All E.R. 778; 21 T.C. 472, H.L.(E.). **Followed**, *Fawcett v. Special Comrs. and Lancaster Farmers Auction Mart Co. Ltd.* (1996) T.C. Leaflet No. 3508, C.A. **Distinguished**, *Bricom Holdings Ltd. v. Inland Revenue Comrs.* (1997) T.C. Leaflet No. 3534, C.A.
- Hunt v. R. M. Douglas (Roofing) Ltd. [1990] 1 A.C. 398; [1988] 3 W.L.R. 975; [1988] 3 All E.R. 823, H.L.(E.). **Applied**, *Electricity Supply Nominees Ltd. v. Farrell* [1997] 1 W.L.R. 1149, C.A.; *Ross v. Bowbelle (Owners)* [1997] 1 W.L.R. 1159, C.A.

- Hunt v. Severs [1994] 2 A.C. 350; [1994] 2 W.L.R. 602; [1994] 2 All E.R. 385, H.L.(E.). **Applied**, *Wells v. Wells* [1997] 1 W.L.R. 652, C.A.
- Hunter v. Canary Wharf Ltd. [1997] A.C. 655; [1996] 2 W.L.R. 348; [1996] 1 All E.R. 482, C.A. **Decision of the Court of Appeal reversed in part** [1997] A.C. 655; [1997] 2 W.L.R. 684, H.L.(E.).
- Hunter v. Chief Constable of the West Midlands Police [1982] A.C. 529; [1981] 3 W.L.R. 906; [1981] 3 All E.R. 727, H.L.(E.). **Applied**, *Iberian U.K. Ltd. v. B.P.B. Industries Plc.* [1997] I.C.R. 164
- Huntley v. Attorney-General for Jamaica [1995] 2 A.C. 1; [1995] 2 W.L.R. 114; [1995] 1 All E.R. 308, P.C. **Applied**, *Williams (Kervin) v. The Queen* [1997] A.C. 624; [1997] 2 W.L.R. 910, P.C.
- Hussain v. Hussain [1986] Fam. 134, 141; [1986] 2 W.L.R. 801; [1986] 1 All E.R. 961, C.A. **Dictum of Sir John Donaldson M.R. not followed**, *Davy International Ltd. v. Tazzyman* [1997] 1 W.L.R. 1256, C.A.
- Hussey v. Eels [1990] 2 Q.B. 227; [1990] 2 W.L.R. 234; [1990] 1 All E.R. 449, C.A. **Applied**, *Gardner v. Marsh & Parsons* [1997] 1 W.L.R. 489, C.A.
- Imperial Group Pension Trust Ltd. v. Imperial Tobacco Ltd. [1991] 1 W.L.R. 589; [1991] I.C.R. 524; [1991] 2 All E.R. 597. **Approved**, *Mahmud v. Bank of Credit and Commerce International S.A.* [1997] 3 W.L.R. 95; [1997] I.C.R. 606, H.L.(E.).
- Imperial Tobacco Co. (of Great Britain and Ireland) Ltd. v. Pierson [1961] A.C. 463; [1960] 3 W.L.R. 235; [1960] 2 All E.R. 780, H.L.(E.). **Considered**, *O'Brien v. Secker* (1996) 95 L.G.R. 560, C.A.
- India (Republic of) v. India Steamship Co. Ltd. (No. 2) [1994] 2 Lloyd's Rep. 331. **Decision of Clarke J. reversed** [1997] 2 W.L.R. 538, C.A.
- India (Republic of) v. India Steamship Co. Ltd. (No. 2) [1997] 2 W.L.R. 538; [1996] 3 All E.R. 641, C.A. **Decision of the Court of Appeal affirmed** [1997] 3 W.L.R. 818, H.L.(E.).
- Ingram v. Inland Revenue Comrs. [1995] 4 All E.R. 334. **Decision of Ferris J. reversed** [1997] 4 All E.R. 395, C.A.
- Inland Revenue Comrs. v. Australian Mutual Provident Society [1947] A.C. 605; [1947] 1 All E.R. 600; 28 T.C. 388, H.L.(E.). **Followed**, *Bricom Holdings Ltd. v. Inland Revenue Comrs.* (1997) T.C. Leaflet No. 3534, C.A.
- Inland Revenue Comrs. v. Barclay, Curle & Co. Ltd. [1969] 1 W.L.R. 675; [1969] 1 All E.R. 732; 45 T.C. 221, H.L.(Sc.). **Considered**, *Bradley v. London Electricity Plc.* (1996) T.C. Leaflet No. 3491
- Inland Revenue Comrs. v. Burmah Oil Co. Ltd. (1981) 54 T.C. 200, H.L.(Sc.). **Applied**, *MacNiven v. Westmoreland Investments Ltd.* (1997) T.C. Leaflet No. 3530
- Inland Revenue Comrs. v. Duke of Westminster [1936] A.C. 1, H.L.(E.). **Considered**, *Inland Revenue Comrs. v. McGuckian* [1997] 1 W.L.R. 991, H.L.(N.I.)
- Inland Revenue Comrs. v. Lambhill Ironworks Ltd., 1950 S.C. 331; 31 T.C. 393. **Considered**, *Girobank Plc. v. Clarke* (1996) T.C. Leaflet No. 3477
- Inland Revenue Comrs. v. Leith Harbour and Docks Comrs., 1942 S.C. 101; 24 T.C. 118. **Considered**, *Girobank Plc. v. Clarke* (1996) T.C. Leaflet No. 3477
- Inland Revenue Comrs. v. McGuckian [1994] S.T.C. 888, C.A.(N.I.). **Decision of the Court of Appeal in Northern Ireland reversed** [1997] 1 W.L.R. 991, H.L.(N.I.)
- Inland Revenue Comrs. v. Parker [1966] A.C. 141; [1966] 2 W.L.R. 486; [1966] 1 All E.R. 399; 43 T.C. 396, H.L.(E.). **Considered**, *Inland Revenue Comrs. v. Universities Superannuation Scheme Ltd.* (1996) T.C. Leaflet No. 3499
- Inland Revenue Comrs. v. Pearlberg [1953] 1 W.L.R. 331; [1953] 1 All E.R. 388; 34 T.C. 57, C.A. **Considered**, *A Debtor v. Inland Revenue Comrs.* (1994) 68 T.C. 157
- Inland Revenue Comrs. v. Plummer [1980] A.C. 896; [1979] 3 W.L.R. 689; [1979] 3 All E.R. 775; 54 T.C. 1, H.L.(E.). **Considered**, *Young v. Pearce* (1996) T.C. Leaflet No. 3482
- Inland Revenue Comrs. v. Willoughby [1995] S.T.C. 143, C.A. **Decision of the Court of Appeal affirmed** [1997] 1 W.L.R. 1071, H.L.(E.).
- Institute of Patent Agents v. Lockwood [1894] A.C. 347, 360, H.L.(Sc.). **Dictum of Lord Herschell L.C. applied**, *Culmer v. The Queen* [1997] 1 W.L.R. 1296, P.C.
- Institute of the Motor Industry v. Harvey [1992] I.C.R. 470, E.A.T. **Considered**, *Kwik Save Stores Ltd. v. Greaves* [1997] I.C.R. 629, E.A.T.
- International Tin Council, *In re* [1987] Ch. 419; [1987] 2 W.L.R. 1229; [1987] 1 All E.R. 890. **Considered**, *In re A Debtor (No. 50A-SD-1995)* [1997] Ch. 310; [1997] 2 W.L.R. 57
- Irving v. The Post Office [1987] I.R.L.R. 289, C.A. **Considered**, *Jones v. Tower Boot Co. Ltd.* [1997] I.C.R. 254, C.A.

- J. (A Minor) (Abduction: Custody Rights), *In re* [1990] 2 A.C. 562; [1990] 3 W.L.R. 492; [1990] 2 All E.R. 961, H.L.(E.). **Distinguished**, *In re S. (A Minor) (Custody: Habitual Residence)* [1997] 3 W.L.R. 597, H.L.(E.)
- J. (A Minor) (Wardship: Medical Treatment), *In re* [1991] Fam. 33; [1991] 2 W.L.R. 140; [1990] 3 All E.R. 930, C.A. **Applied**, *In re T. (A Minor) (Wardship: Medical Treatment)* [1997] 1 W.L.R. 242, C.A.
- J.N. 2 Ltd., *In re* [1978] 1 W.L.R. 183; [1977] 3 All E.R. 1104. **Not followed**, *Alipour v. Ary* [1997] 1 W.L.R. 534, C.A.
- James v. Plummer (1888) 23 L.J.N.C. 107, D.C. **Overruled**, *Vernon v. Bosley (No. 2)* [1997] 3 W.L.R. 683, C.A.
- Janata Bank v. Ahmed (Qutubuddin) [1981] I.C.R. 791, C.A. **Applied**, *Addison v. Denholm Ship Management (U.K.) Ltd.* [1990] I.C.R. 770, E.A.T.(Sc.)
- Jessamine Investment Co. v. Schwartz [1978] Q.B. 264; [1977] 2 W.L.R. 145; [1976] 3 All E.R. 521, C.A. **Applied**, *Barclays Bank Plc. v. Zarovabli* [1997] Ch. 321; [1997] 2 W.L.R. 729
- Jessel v. Jessel [1979] 1 W.L.R. 1148; [1979] 3 All E.R. 645, C.A. **Distinguished**, *G. v. G. (Periodical Payments)* [1997] 2 W.L.R. 614, C.A.
- John v. MGN Ltd. [1997] Q.B. 586; [1996] 3 W.L.R. 593; [1996] 2 All E.R. 35, C.A. **Considered**, *Thompson v. Comr. of Police of the Metropolis* [1997] 3 W.L.R. 403, C.A.
- Jokai Tea Holdings Ltd. (Note), *In re* [1992] 1 W.L.R. 1196; [1993] 1 All E.R. 630, C.A. **Considered**, *Hytec Information Systems Ltd. v. Coventry City Council* [1997] 1 W.L.R. 1666, C.A.
- Jones v. Mid-Glamorgan County Council [1997] I.C.R. 417, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1997] I.C.R. 815, C.A.
- Jones v. Tower Boot Co. Ltd. [1997] I.C.R. 254; [1997] 2 All E.R. 406, C.A. **Applied**, *Waters v. Comr. of Police of the Metropolis* [1997] I.C.R. 1073, C.A.
- K/S Norjarl A/S v. Hyundai Heavy Industries Co. Ltd. [1992] Q.B. 863; [1991] 3 W.L.R. 1025; [1991] 3 All E.R. 211, C.A. **Considered**, *Turner v. Stevenage Borough Council* [1997] 3 W.L.R. 309, C.A.
- Kalfelis v. Bankhaus Schröder, Münchmeyer, Hengst and Co. (Case 189/87) [1988] E.C.R. 5565, E.C.J. **Applied**, *Source Ltd. v. T.U.V. Rheinland Holding A.G.* [1997] 3 W.L.R. 365, C.A.
- Katsikas v. Konstantindis (Cases C-132, 138 and 139/91) [1992] E.C.R. I-6577, E.C.J. **Applied**, *Merckx v. Ford Motors Co. (Belgium) S.A.* (Case C-171/94) [1997] I.C.R. 352, E.C.J.
- Keckskemeti v. Rubens Rabin & Co., The Times, 31 December 1992. **Doubted**, *Carr-Glynn v. Frearsons* [1997] 2 All E.R. 614
- Kettlewell v. Watson (1884) 26 Ch.D. 501, C.A. **Distinguished**, *Barclays Bank Plc. v. Estates & Commercial Ltd.* [1997] 1 W.L.R. 415, C.A.
- Khanna v. Ministry of Defence [1981] I.C.R. 653, 659A, E.A.T. **Dicta of Browne-Wilkinson J. not applied**, *Glasgow City Council v. Zafar* [1997] 1 W.L.R. 1659, H.L.(Sc.)
- Khorasandjian v. Bush [1993] Q.B. 727; [1993] 3 W.L.R. 476; [1993] 3 All E.R. 669, C.A. **Overruled in part**, *Hunter v. Canary Wharf Ltd.* [1997] A.C. 655; [1997] 2 W.L.R. 684, H.L.(E.)
- Kilboy v. South Eastern Fire Area Joint Committee, 1952 S.C. 280. **Considered**, *Capital & Counties Plc. v. Hampshire County Council* [1997] Q.B. 1004; [1997] 3 W.L.R. 331, C.A.
- Kilmarnock Equitable Co-operative Society Ltd. v. Inland Revenue Comrs. (1966) 42 T.C. 675, Ct. of Sess. **Considered**, *Girobank Plc. v. Clarke* (1996) T.C. Leaflet No. 3477; *Sarsfield v. Dixons Group Plc.* (1997) T.C. Leaflet No. 3507
- King v. Great Britain-China Centre [1992] I.C.R. 516, 528-529, C.A. **Dicta of Neill L.J. applied**, *Glasgow City Council v. Zafar* [1997] 1 W.L.R. 1659, H.L.(Sc.)
- Kingston upon Hull City Council v. Greenwood (1984) 82 L.G.R. 586. **Considered**, *In Shops Centres Plc. v. Derby City Council* (1996) 95 L.G.R. 161
- Kirby v. Hughes (1992) 65 T.C. 532. **Considered**, *Goodwin v. Curtis* (1996) Leaflet No. 3494
- Kleinwort Benson Ltd. v. Barbrak Ltd. [1987] A.C. 597; [1987] 2 W.L.R. 1053; [1987] 2 All E.R. 289, H.L.(E.). **Applied**, *Kuwait Oil Tanker Co. S.A.K. v. Al Bader* [1997] 1 W.L.R. 1410, C.A.
- Kleinwort Benson Ltd. v. Glasgow City Council [1996] Q.B. 678; [1996] 2 W.L.R. 655; [1996] 2 All E.R. 257, C.A. **Decision of the Court of Appeal reversed** [1997] 3 W.L.R. 923, H.L.(E.)
- Knowles v. Fire Brigades Union [1996] I.R.L.R. 337, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1997] I.C.R. 595, C.A.
- Konigsberg (A Bankrupt), *In re* [1989] 1 W.L.R. 1257; [1989] 3 All E.R. 289. **Considered**, *R. v. Molloy, decd.* [1997] 2 Cr.App.R. 283, C.A.
- Koua Poirrez v. Caisse d'Allocations Familiales de la Seine-Saint-Denis (Case C-206/91) [1992] E.C.R. I-6685, E.C.J. **Applied**, *Uecker v. Land Nordrhein-Westfalen* (Case C-64/96) [1997] I.C.R. 1025, E.C.J.
- Kruse v. Johnson [1898] 2 Q.B. 91, D.C. **Considered**, *Percy v. Hall* [1997] Q.B. 924; [1997] 3 W.L.R. 573, C.A.

- Kuwait Airways Corp'n. v. Iraqi Airways Co. (No. 2) [1994] 1 W.L.R. 985, C.A. **Overruled**, *Nykredit Mortgage Bank Plc. v. Edward Erdman Group Ltd. (No. 2)* [1997] 1 W.L.R. 1627, H.L.(E.)
- Kwok v. Comr. of Estate Duty [1988] 1 W.L.R. 1035, P.C. **Applied**, *In re Landau (A Bankrupt)* [1997] 3 W.L.R. 225
- L. (A Minor) (Police Investigation: Privilege), *In re* [1997] A.C. 16; [1996] 2 W.L.R. 395; [1996] 2 All E.R. 78, H.L.(E.). **Applied**, *Vernon v. Bosley (No. 2)* [1997] 3 W.L.R. 683, C.A.
- L. (Sexual Abuse: Standard of Proof), *In re* [1996] 1 F.L.R. 116, 124, C.A. **Dicta of Butler-Sloss L.J. considered**, *In re T. (Minors) (Termination of Contact: Discharge of Order)* [1997] 1 W.L.R. 393, C.A.
- LA Gear Inc. v. Hi-Tec Sports Plc. [1992] F.S.R. 121, Morritt J. and C.A. **Considered**, *ZYX Music G.m.b.H. v. King* [1997] 2 All E.R. 129, C.A.
- L.B. (Plastics) Ltd. v. Swish Products Ltd. [1979] R.P.C. 551, H.L.(E.). **Applied**, *Canon Kabushiki Kaisha v. Green Cartridge Co. (Hong Kong) Ltd.* [1997] A.C. 728; [1997] 3 W.L.R. 13, P.C.
- Lamb v. Lamb [1984] F.L.R. 278, C.A. **Applied**, *Kumari v. Jalal* [1997] 1 W.L.R. 97, C.A.
- Lamb (W.T.) & Sons v. Rider [1948] 2 K.B. 331; [1948] 2 All E.R. 402, C.A. **Applied**, *In re A Debtor (No. 50A-SD-1995)* [1997] Ch. 310; [1997] 2 W.L.R. 57
- Landau (A Bankrupt), *In re* [1997] 3 W.L.R. 225; [1997] 3 All E.R. 322. **Considered**, *Performing Right Society Ltd. v. Rowland* [1997] 3 All E.R. 336
- Lang v. Webb (1912) 13 C.L.R. 503. **Considered**, *Ingram v. Inland Revenue Comrs.* [1997] 4 All E.R. 395, C.A.
- Lavery v. Plessey Telecommunications Ltd. [1982] I.C.R. 373, E.A.T.; [1983] I.C.R. 534, C.A. **Considered**, *Kwik Save Stores Ltd. v. Greaves* [1997] I.C.R. 629, E.A.T.
- Leathley v. Tatton [1980] R.T.R. 21, D.C. **Distinguished**, *Hatton v. Hall* [1997] R.T.R. 212, C.A.
- Lee v. Knapp [1967] 2 Q.B. 442; [1967] 2 W.L.R. 6; [1966] 3 All E.R. 961, D.C. **Distinguished**, *McDermott v. Director of Public Prosecutions* [1997] R.T.R. 474, D.C.
- Lee Chun-Chuen v. The Queen [1963] A.C. 220; [1962] 3 W.L.R. 1461; [1963] 1 All E.R. 73, P.C. **Applied**, *R. v. Acott* [1997] 1 W.L.R. 306, H.L.(E.)
- Lewis, *Ex parte* (1888) 21 Q.B.D. 191, D.C. **Applied**, *Director of Public Prosecutions v. Jones (Margaret)* [1997] 2 W.L.R. 578, D.C.
- Lewis v. Lewis [1991] 1 W.L.R. 235; [1991] 3 All E.R. 251, C.A. **Not followed**, *Davy International Ltd. v. Tazzyman* [1997] 1 W.L.R. 1256, C.A.
- Lewis v. Motorworld Garages Ltd. [1986] I.C.R. 157, C.A. **Approved**, *Mahmud v. Bank of Credit and Commerce International S.A.* [1997] 3 W.L.R. 95; [1997] I.C.R. 606, H.L.(E.)
- Licensing Authority South Eastern Traffic Area v. British Gas Plc. (Case C-116/91) [1992] E.C.R. I-4071, E.C.J. **Applied**, *Swain v. McCaul* [1997] R.T.R. 102, D.C.
- Lim Poh Choo v. Camden and Islington Area Health Authority [1980] A.C. 174; [1979] 3 W.L.R. 44; [1979] 2 All E.R. 910, H.L.(E.). **Applied**, *Wells v. Wells* [1997] 1 W.L.R. 652
- Lines Bros. Ltd., *In re* [1983] Ch. 1; [1982] 2 W.L.R. 1010; [1982] 2 All E.R. 183, C.A. **Considered**, *In re A Debtor (No. 50A-SD-1995)* [1997] Ch. 310; [1997] 2 W.L.R. 57
- Linnett v. Coles [1987] Q.B. 555; [1986] 3 W.L.R. 843; [1986] 3 All E.R. 652, C.A. **Applied**, *Nicholls v. Nicholls* [1997] 1 W.L.R. 314, C.A.
- Liverpool and London and Globe Insurance Co. v. Bennett [1912] 2 K.B. 41; 6 T.C. 327, C.A. **Considered**, *Johnson v. Prudential Assurance Co. Ltd.* (1996) T.C. Leaflet No. 3484
- Liverpool City Council, *In re A Complaint against* [1997] 1 W.L.R. 995; [1977] 2 All E.R. 650; 75 L.G.R. 817, D.C. **Considered**, *In re A Subpoena Issued by the Comr. for Local Administration* (1995) 95 L.G.R. 338
- Lobban v. The Queen [1995] 1 W.L.R. 877, 889; [1995] 2 All E.R. 602, P.C. **Dicta of Lord Steyn applied**, *R. v. Myers* [1997] 3 W.L.R. 552, H.L.(E.)
- London & General Bank, *In re* [1895] 2 Ch. 166. **Applied**, *Mutual Reinsurance Co. Ltd. v. Peat Marwick Mitchell & Co.* [1997] 1 Lloyd's Rep. 253, C.A.
- London Wharfing and Warehousing Co., *In re* (1885) 54 L.J.Ch. 1137. **Applied**, *Electricity Supply Nominees Ltd. v. Farrell* [1997] 1 W.L.R. 1149, C.A.
- Longden v. British Coal Corp'n. [1995] I.C.R. 957, C.A. **Decision of the Court of Appeal reversed in part** [1997] 3 W.L.R. 1336, H.L.(E.)
- Long Acre Securities Ltd. v. Electro Acoustic Industries Ltd. [1990] 1 E.G.L.R. 91, C.A. **Not followed**, *Esselte A.B. v. Pearl Assurance Plc.* [1997] 1 W.L.R. 891, C.A.
- Lonrho Ltd. v. Shell Petroleum Co. Ltd. (No. 2) [1982] A.C. 173; [1981] 3 W.L.R. 33; [1981] 2 All E.R. 456, H.L.(E.). **Applied**, *Mid Kent Holdings Plc. v. General Utilities Plc.* [1997] 1 W.L.R. 14
- Luisi and Carbone v. Ministero del Tesoro (Joined Cases 286/82 and 26/83) [1984] E.C.R. 377, E.C.J. **Applied**, *U. v. W. (Attorney-General Intervening)* [1977] 3 W.L.R. 739

- Luke v. Inland Revenue Comrs. [1963] A.C. 557; [1963] 2 W.L.R. 559; [1963] 1 All E.R. 655; 40 T.C. 630, H.L.(Sc.). **Considered**, *Jenks v. Dickinson* (1997) T.C. Leaflet No. 3522
- Lynch v. Stiff (1943) 68 C.L.R. 428. **Applied**, *Nationwide Building Society v. Lewis* [1997] 1 W.L.R. 1181
- M. (Abduction: Non-Convention Country), *In re* [1995] 1 F.L.R. 89, C.A. **Considered**, *In re P. (A Minor) (Child Abduction: Non-Convention Country)* [1997] Fam. 45; [1997] 2 W.L.R. 223, C.A.
- M. v. Home Office [1994] 1 A.C. 377; [1993] 3 W.L.R. 433; [1993] 3 All E.R. 537, H.L.(E.). **Considered**, *R. v. City of London Magistrates' Court, Ex parte Green* [1997] 3 All E.R. 551, D.C.
- M. v. P. (Contempt of Court: Committal Order) [1993] Fam. 167; [1992] 3 W.L.R. 813; [1992] 4 All E.R. 833, C.A. **Applied**, *Nicholls v. Nicholls* [1997] 1 W.L.R. 314, C.A.
- M.S. Fashions Ltd. v. Bank of Credit and Commerce International S.A. [1993] Ch. 425; [1993] 3 W.L.R. 220; [1993] 3 All E.R. 769, C.A. **Distinguished**, *In re Bank of Credit and Commerce International S.A. (No. 8)* [1997] 3 W.L.R. 909, H.L.(E.)
- M. C. Bacon Ltd., *In re* [1991] Ch. 127; [1990] 3 W.L.R. 646. **Approved**, *In re Oasis Merchandising Services Ltd.* [1997] 2 W.L.R. 764, C.A.
- McFarlane v. E.E. Caledonia Ltd. [1994] 2 All E.R. 1, C.A. **Distinguished**, *Frost v. Chief Constable of South Yorkshire Police* [1997] 3 W.L.R. 1194, C.A.
- McGovern v. Attorney-General [1982] Ch. 321; [1982] 2 W.L.R. 222; [1981] 3 All E.R. 493. **Considered**, *R. v. Radio Authority, Ex parte Bull* [1997] 3 W.L.R. 1094, C.A.
- McKee v. Chief Constable for Northern Ireland [1984] 1 W.L.R. 1358; [1985] 1 All E.R. 1, H.L.(N.I.). **Considered**, *O'Hara v. Chief Constable of the Royal Ulster Constabulary* [1997] A.C. 286; [1997] 2 W.L.R. 1, H.L.(N.I.)
- McKnight v. Adlestons (Jewellers) Ltd. [1984] I.R.L.R. 454, C.A.(N.I.). **Considered**, *Halfpenny v. IGE Medical Systems Ltd.* [1997] I.C.R. 1007, E.A.T.
- McLoughlin v. O'Brian [1983] 1 A.C. 410; [1982] 2 W.L.R. 982; [1982] 2 All E.R. 298, H.L.(E.). **Considered**, *Frost v. Chief Constable of South Yorkshire Police* [1997] 3 W.L.R. 1194, C.A.
- McMeechan v. Secretary of State for Employment [1995] I.C.R. 444, E.A.T. **Decision of the Employment Appeal Tribunal affirmed on different grounds** [1997] I.C.R. 549, C.A.
- Maciej Rataj, The (Case C-406/92) [1995] 1 Lloyd's Rep. 302; [1994] E.C.R. I-5439; [1995] All E.R. (E.C.) 229, E.C.J. **Applied**, *Mecklermedia Corp'n. v. D.C. Congress G.m.b.H.* [1997] 3 W.L.R. 479; *Sarrio S.A. v. Kuwait Investment Authority* [1997] 3 W.L.R. 1143, H.L.(E.)
- Madurasinghe v. Penguin Electronics [1993] 1 W.L.R. 989; [1993] 3 All E.R. 20, C.A. **Applied**, *Kawarindrasingh v. White* [1997] 1 W.L.R. 785, C.A.
- Maestro Giorgis, The [1983] 2 Lloyd's Rep. 66. **Considered**, *Andre & Cie S.A. v. Orient Shipping (Rotterdam) B.V.* [1997] 1 Lloyd's Rep. 139
- Mahmud v. Bank of Credit and Commerce International S.A. [1996] I.C.R. 406, C.A. **Decision of the Court of Appeal reversed** [1997] 3 W.L.R. 95; [1997] I.C.R. 606, H.L.(E.)
- Mallalieu v. Drummond [1983] 2 A.C. 861; [1983] 3 W.L.R. 409; [1983] 2 All E.R. 1095; 57 T.C. 330, H.L.(E.). **Considered**, *McLaren v. Mumford* (1996) T.C. Leaflet No. 3493
- Mallinson v. Secretary of State for Social Security [1994] 1 W.L.R. 630; [1994] 2 All E.R. 295, H.L.(E.). **Applied**, *Cockburn v. Chief Adjudication Officer* [1997] 1 W.L.R. 799, H.L.(E.)
- Malone v. Laskey [1907] 2 K.B. 141, C.A. **Applied**, *Hunter v. Canary Wharf Ltd.* [1997] A.C. 655; [1997] 2 W.L.R. 684, H.L.(E.)
- Manchester City Council v. Walsh (1986) 84 L.G.R. 1, C.A. **Considered**, *In Shops Centres Plc. v. Derby City Council* (1996) 95 L.G.R. 161
- Mangin v. Inland Revenue Comr. [1971] A.C. 739; [1971] 2 W.L.R. 39; [1971] 1 All E.R. 179, P.C. **Considered**, *Johnson v. Prudential Assurance Co. Ltd.* (1996) T.C. Leaflet No. 3484; *Jenks v. Dickinson* (1997) T.C. Leaflet No. 3522
- Mannai Investment Co. Ltd. v. Eagle Star Life Assurance Co. Ltd. [1995] 1 W.L.R. 1508; [1996] 1 All E.R. 55, C.A. **Decision of the Court of Appeal reversed** [1997] A.C. 741; [1997] 2 W.L.R. 945, H.L.(E.)
- Marbe v. George Edwardes (Daly's Theatre) Ltd. [1928] 1 K.B. 269, C.A. **Approved**, *Mahmud v. Bank of Credit and Commerce International S.A.* [1997] 3 W.L.R. 95; [1997] I.C.R. 606, H.L.(E.)
- Marc Rich & Co. A.G. v. Bishop Rock Marine Co. Ltd. [1996] A.C. 211; [1995] 3 W.L.R. 227; [1995] 3 All E.R. 307, H.L.(E.). **Distinguished**, *Welton v. North Cornwall District Council* [1997] 1 W.L.R. 570, C.A.
- Marc Rich & Co. A.G. v. Societa Italiana Impianti P.A. (Case C-190/89) [1992] 1 Lloyd's Rep. 342, E.C.J. **Applied**, *Union de Remorquage et de Sauvetage S.A. v. Lake Avery Inc.* [1997] 1 Lloyd's Rep. 540; *Toepfer International G.m.b.H. v. Société Cargill France* [1997] 2 Lloyd's Rep. 98. **Considered**, *Lexmar Corp'n. v. Nordisk Skibsfederforeng* [1997] 1 Lloyd's Rep. 289
- Marchant v. Earley Town Council [1979] I.C.R. 891, E.A.T. **Distinguished**, *Berridge v. Benjies Business Centre* [1997] 1 W.L.R. 53; [1997] I.C.R. 58, P.C.

- Marks v. Beyfus (1890) 25 Q.B.D. 494, C.A. **Distinguished**, *Savage v. Chief Constable of Hampshire* [1997] 1 W.L.R. 1061, C.A.
- Marsden v. Kingswell Watts [1992] 2 All E.R. 239, C.A. **Not followed**, *Robertson v. Banham & Co.* [1997] 1 W.L.R. 446, C.A.
- Marshall v. Kerr [1995] 1 A.C. 148; [1994] 3 W.L.R. 299; [1994] 3 All E.R. 106; 67 T.C. 56, H.L.(E.). **Considered**, *Jenks v. Dickinson* (1997) T.C. Leaflet No. 3522
- Marshall v. N.M. Financial Management Ltd. [1995] 1 W.L.R. 1461; [1995] I.C.R. 1042; [1995] 4 All E.R. 785. **Decision of Jonathan Sumption Q.C. sitting as a deputy judge of the Chancery Division affirmed** [1997] 1 W.L.R. 1527; [1997] I.C.R. 1065, C.A.
- Martin Peters Bauunternehmung G.m.b.H. v. Zuid Nederslandse Aannemers Vereniging (Case 34/82) [1983] E.C.R. 987, E.C.J. **Applied**, *Agnew v. Lansförsäkringsbolagens AB* [1996] 4 All E.R. 978
- Mason v. Tyson (1980) 53 T.C. 333. **Considered**, *McLaren v. Mumford* (1996) T.C. Leaflet No. 3493
- Massey v. Midland Bank Plc. [1995] 1 All E.R. 929, C.A. **Distinguished**, *Royal Bank of Scotland Plc. v. Etridge* [1997] 3 All E.R. 628, C.A.
- Maxine Footwear Co. Ltd. v. Canadian Government Merchant Marine Ltd. [1959] A.C. 589; [1959] 3 W.L.R. 232; [1959] 2 All E.R. 740; [1959] 2 Lloyd's Rep. 105, P.C. **Distinguished**, *A. Meredith Jones & Co. Ltd. v. Vangemar Shipping Co. Ltd.* [1997] 2 Lloyd's Rep. 241, C.A.
- Maynard v. West Midlands Regional Health Authority [1984] 1 W.L.R. 634; [1985] 1 All E.R. 635, H.L.(E.). **Applied**, *Bolitho v. City and Hackney Health Authority* [1997] 3 W.L.R. 1151, H.L.(E.)
- Mears v. The Queen [1993] 1 W.L.R. 818, P.C. **Distinguished**, *Williams (Kervin) v. The Queen* [1997] A.C. 624; [1997] 2 W.L.R. 910, P.C.
- Medway v. Doublelock Ltd. [1978] 1 W.L.R. 710; [1978] 1 All E.R. 1261. **Considered**, *S. v. S.* (1997) T.C. Leaflet No. 3518
- Megarity v. D. J. Ryan & Sons Ltd. (No. 2) [1982] A.C. 81; [1981] 2 W.L.R. 335; [1981] 1 All E.R. 641, H.L.(E.). **Applied**, *Herd v. Clyde Helicopters Ltd.* [1997] A.C. 534; [1997] 2 W.L.R. 380, H.L.(Sc.)
- Melton Medes Ltd. v. Securities and Investments Board [1995] Ch. 137; [1995] 2 W.L.R. 247; [1995] 3 All E.R. 880. **Considered**, *Bank of Credit and Commerce International (Overseas) Ltd. v. Price Waterhouse (No. 2)* [1997] 3 W.L.R. 849
- Mennell v. Newell & Wright (Transport Contractors) Ltd. [1996] I.C.R. 607, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1997] I.C.R. 1039, C.A.
- Merckx v. Ford Motors Co. (Belgium) S.A. (Case C-171/94) [1997] I.C.R. 352; [1996] All E.R. (E.C.) 667, E.C.J. **Considered**, *P. & O. Property Holdings Ltd. v. Allen* [1997] I.C.R. 436, E.A.T.
- Methuen-Campbell v. Walters [1979] Q.B. 525; [1979] 2 W.L.R. 113; [1979] 1 All E.R. 606, C.A. **Distinguished**, *Cadogan v. McGirk* [1996] 4 All E.R. 643, C.A.
- Metroinvest Anstalt v. Commercial Union Assurance Co. Ltd. [1985] 1 W.L.R. 513; [1985] 2 All E.R. 318, C.A. **Distinguished**, *Perry v. Wong* [1997] 1 W.L.R. 381, C.A.
- Middleton v. Rowlett [1954] 1 W.L.R. 831; [1954] 2 All E.R. 277, D.C. **Considered**, *Barnes v. Chief Constable of Durham* [1997] 2 Cr.App.R. 505, D.C.
- Midland Plastics v. Till [1983] I.C.R. 118, E.A.T. **Considered**, *Knowles v. Fire Brigades Union* [1997] I.C.R. 595, C.A.
- Milligan v. Securicor Cleaning Ltd. [1995] I.C.R. 867, E.A.T. **Overruled**, *M.R.S. Environmental Services Ltd. v. Marsh* [1997] I.C.R. 995, C.A.
- Ministry of Defence v. Bristow [1996] I.C.R. 544, E.A.T. **Not followed**, *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1997] I.C.R. 237, E.A.T.
- Ministry of Defence v. Hunt [1996] I.C.R. 554, E.A.T. **Followed**, *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1997] I.C.R. 237, E.A.T.
- Minster Investments Ltd. v. Hyundai Precision & Industry Co. Ltd. [1988] 2 Lloyd's Rep. 621. **Distinguished**, *Source Ltd. v. T.U.V. Rheinland Holding A.G.* [1997] 3 W.L.R. 365, C.A.
- Minton v. Minton [1979] A.C. 593; [1979] 2 W.L.R. 31; [1979] 1 All E.R. 79, H.L.(E.). **Followed**, *G. v. G. (Periodical Payments)* [1997] 2 W.L.R. 614, C.A.
- Mitchell v. Darley Main Colliery Co. (1884) C. & E. 215, 216. **Dictum of Hawkins J. approved**, *Vernon v. Bosley (No. 2)* [1997] 3 W.L.R. 683, C.A.
- Mobbs v. Nuclear Electric Plc. [1996] I.R.L.R. 536, E.A.T. **Not followed**, *Tsangacos v. Amalgamated Chemicals Ltd.* [1997] I.C.R. 154, E.A.T.
- Moone v. Rose (1869) L.R. 4 Q.B. 486. **Distinguished**, *Olotu v. Home Office* [1997] 1 W.L.R. 328, C.A.
- Morgan v. Director of Public Prosecutions [1970] 3 All E.R. 1053, D.C. **Distinguished**, *Comr. of the Independent Commission against Corruption v. Ch'ng Poh* [1997] 1 W.L.R. 1175, P.C.
- Morgan Grenfell & Co. Ltd. v. Sutton London Borough Council (1995) 93 L.G.R. 554. **Decision of Clarke J. affirmed** (1996) 95 L.G.R. 574, C.A.
- Moriarty v. Evans Medical Supplies Ltd. [1958] 1 W.L.R. 66; [1957] 3 All E.R. 718; 37 T.C. 540, H.L.(E.). **Considered**, *Girobank Plc. v. Clarke* (1996) T.C. Leaflet No. 3477

- Morley v. Tattersall [1938] 3 All E.R. 296; 22 T.C. 51, C.A. **Distinguished**, *Comr. of Income Tax v. Savundranayagam* (1957) 67 T.C. 239, P.C.
- Morris v. Baron & Co. [1918] A.C. 1, H.L.(E.). **Applied**, *McCausland v. Duncan Lawrie Ltd.* [1997] 1 W.L.R. 38, C.A.
- Morrisons Holdings Ltd. v. Manders Property (Wolverhampton) Ltd. [1976] 1 W.L.R. 533; [1976] 2 All E.R. 205, C.A. **Followed**, *Esselte A.B. v. Pearl Assurance Plc.* [1997] 1 W.L.R. 891, C.A.
- Mortgage Express Ltd. v. Bowerman & Partners [1996] 2 All E.R. 836, C.A. **Applied**, *Bristol and West Building Society v. Fancy & Jackson* [1997] 4 All E.R. 582
- Morton v. City of Dundee District Council, 1992 S.L.T. 2. **Considered**, *Adamson v. Waveney District Council* [1997] 2 All E.R. 898
- Moschi, *In re*; B. v. Inland Revenue Comrs. (1953) 35 T.C. 92. **Considered**, *A Debtor v. Inland Revenue Comrs.* (1994) 68 T.C. 157
- Moss v. Penman (No. 2), 1994 S.L.T. 602. **Considered**, *Herd v. Clyde Helicopters Ltd.* [1997] A.C. 534; [1997] 2 W.L.R. 380, H.L.(Sc.)
- Mulholland v. Mitchell [1971] A.C. 666; [1971] 2 W.L.R. 93; [1971] 1 All E.R. 307, H.L.(E.). **Applied**, *Vernon v. Bosley (No. 2)* [1997] 3 W.L.R. 683, C.A.
- Munroe (John) (Acrylics) Ltd. v. London Fire and Civil Defence Authority [1996] 3 W.L.R. 988; [1996] 4 All E.R. 318. **Decision of Rougier J. affirmed** [1997] Q.B. 1004; [1997] 3 W.L.R. 331, C.A.
- Murdoch v. Taylor [1965] A.C. 574; [1965] 2 W.L.R. 425; [1965] 1 All E.R. 406, H.L.(E.). **Applied**, *R. v. Crawford (Charisse)* [1997] 1 W.L.R. 1329, C.A.
- Musselwhite v. C. H. Musselwhite & Son Ltd. [1962] Ch. 964; [1962] 2 W.L.R. 374; [1962] 1 All E.R. 201. **Followed**, *Michaels v. Harley House (Marylebone) Ltd.* [1997] 1 W.L.R. 967
- Nagarajan v. Agnew [1995] I.C.R. 520, E.A.T. **Followed**, *Post Office v. Adekeye* [1997] I.C.R. 110, C.A.
- National Coal Board v. Ridgway [1987] I.C.R. 641, 650; [1987] 3 All E.R. 582, C.A. **Dicta of May L.J. not followed**, *Cleveland Ambulance N.H.S. Trust v. Blane* [1997] I.C.R. 851, E.A.T.
- National Union of Teachers v. Governing Body of St. Mary's Church of England (Aided) Junior School [1995] I.C.R. 317, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1997] I.C.R. 334, C.A.
- Naturally Yours Cosmetics Ltd. v. Customs and Excise Comrs. (Case 230/87) [1988] E.C.R. 6365, 6390, para. 16, E.C.J. **Dicta applied**, *Argos Distributors Ltd. v. Customs and Excise Comrs.* (Case C-288/94) [1997] Q.B. 499; [1997] 2 W.L.R. 477, E.C.J.
- Nerva v. R.L. & G. Ltd. [1995] I.R.L.R. 200. **Decision of Mance J. affirmed** [1997] I.C.R. 11, C.A.
- Netherlands Insurance Co. Est. 1845 Ltd. v. Ljungberg & Co. A.B. [1986] 2 Lloyd's Rep. 19; [1986] 3 All E.R. 767, P.C. **Considered**, *Yorkshire Water Services Ltd. v. Sun Alliance & London Insurance Plc.* [1997] 2 Lloyd's Rep. 21, C.A.
- New Zealand Forest Products Ltd. v. New Zealand Insurance Co. Ltd. [1996] 2 N.Z.L.R. 20. **Decision of the Court of Appeal of New Zealand reversed** [1997] 1 W.L.R. 1237, P.C.
- Newman v. Hackney London Borough Council [1982] R.T.R. 296, D.C. **Distinguished**, *R. v. Bull (Carl)* [1997] R.T.R. 123, D.C.
- Nguyen Tuan Cuong v. Director of Immigration (1996) 6 H.K.P.L.R. 62. **Decision of the Court of Appeal of Hong Kong reversed** [1997] 1 W.L.R. 68, P.C.
- Nichols v. Inland Revenue Comrs. [1975] 1 W.L.R. 534; [1975] 2 All E.R. 120, C.A. **Followed**, *Ingram v. Inland Revenue Comrs.* [1997] 4 All E.R. 395, C.A.
- Nordglint, The [1988] Q.B. 183; [1988] 2 W.L.R. 338; [1988] 2 All E.R. 531. **Overruled**, *Republic of India v. India Steamship Co. Ltd. (No. 2)* [1997] 3 W.L.R. 818, H.L.(E.)
- Norglen Ltd. v. Reeds Rains Prudential Ltd. [1996] 1 W.L.R. 864; [1996] 1 All E.R. 945, C.A. **Decision of the Court of Appeal affirmed** [1997] 3 W.L.R. 1177, H.L.(E.)
- Norglen Ltd. v. Reeds Rains Prudential Ltd. [1996] 1 W.L.R. 864; [1996] 1 All E.R. 945, C.A. **Followed**, *Circuit Systems Ltd. v. Zuken-Redac (U.K.) Ltd.* [1997] 1 W.L.R. 721, C.A.
- Norman (Alec) Garages Ltd. v. Phillips [1985] R.T.R. 164, D.C. **Applied**, *R. v. Bull (Carl)* [1997] R.T.R. 123, C.A.
- North West Thames Regional Health Authority v. Noone [1988] I.C.R. 813, C.A. **Distinguished**, *Prison Service v. Johnson* [1997] I.C.R. 275, E.A.T.
- Norwich Pharmacal Co. v. Customs and Excise Comrs. [1974] A.C. 133; [1973] 3 W.L.R. 164; [1973] 2 All E.R. 943, H.L.(E.). **Applied**, *P. v. T. Ltd.* [1997] 1 W.L.R. 1309; [1997] I.C.R. 887
- Nottinghamshire County Council v. Lee [1980] I.C.R. 635, C.A. **Applied**, *Pfaffinger v. City of Liverpool Community College* [1997] I.C.R. 142, E.A.T.
- Nova (Jersey) Knit Ltd. v. Kammgarn Spinnerei G.m.b.H. [1977] 1 W.L.R. 713, 721; [1977] 2 All E.R. 463, H.L.(E.). **Dicta of Lord Wilberforce applied**, *Esso Petroleum Co. Ltd. v. Milton* [1997] 1 W.L.R. 938, C.A. **Distinguished**, *Halki Shipping Corp. v. Sopex Oils Ltd.* [1997] 1 W.L.R. 1268

- Oasis Merchandising Services Ltd., *In re* [1995] 2 B.C.L.C. 493. **Decision of Robert Walker J. affirmed** [1997] 2 W.L.R. 764, C.A.
- Oetker (Rudolf A.) v. IFA International Frachagentur A.G. [1985] 1 Lloyd's Rep. 557. **Considered**, *Trade Star Line Corp. v. Mitsui & Co. Ltd.* [1996] 2 Lloyd's Rep. 449, Tuckey J. and C.A.
- Ogwo v. Taylor [1988] A.C. 431; [1987] 3 W.L.R. 1145; [1987] 3 All E.R. 961, H.L.(E.). **Applied**, *Frost v. Chief Constable of South Yorkshire Police* [1997] 3 W.L.R. 1194, C.A.
- Open University v. Triesman [1978] I.C.R. 524, E.A.T. **Not followed**, *Housing Services Agency v. Cragg* [1997] I.C.R. 1050, E.A.T.
- Oropesa, The [1943] P. 32; [1943] 1 All E.R. 211, C.A. **Considered**, *Ministry of Defence v. Pope* [1997] I.C.R. 296, E.A.T.
- O'Rourke v. Binks (1992) 65 T.C. 165, C.A. **Considered**, *Jenks v. Dickinson* (1997) T.C. Leaflet No. 3522
- O'Rourke v. Camden London Borough Council (1996) 28 H.L.R. 600, C.A. **Decision of the Court of Appeal reversed** [1997] 3 W.L.R. 86, H.L.(E.)
- Oxford v. Austin [1981] R.T.R. 416, D.C. **Considered**, *Clarke v. Kato* [1997] 1 W.L.R. 208, C.A.; *Cutter v. Eagle Star Insurance Co. Ltd.* [1997] 1 W.L.R. 1082, C.A.
- Padmore v. Inland Revenue Comrs. (1989) 62 T.C. 352, Peter Gibson J. and C.A. **Considered**, *Memec Plc. v. Inland Revenue Comrs.* (1996) T.C. Leaflet No. 3496
- Page v. Sheerness Steel Co. Plc. [1996] P.I.Q.R. Q26. **Decision of Dyson J. reversed** [1997] 1 W.L.R. 652, C.A.
- Page v. Smith [1996] A.C. 155; [1995] 2 W.L.R. 644; [1995] 2 All E.R. 736, H.L.(E.). **Considered**, *Frost v. Chief Constable of South Yorkshire Police* [1997] 3 W.L.R. 1194, C.A.
- Palk v. Mortgage Services Funding Plc. [1993] Ch. 330; [1993] 2 W.L.R. 415; [1993] 2 All E.R. 481, C.A. **Considered**, *Cheltenham and Gloucester Plc. v. Krausz* [1997] 1 W.L.R. 1558, C.A.
- Panchaud Frères S.A. v. Etablissements General Grain Co. [1970] 1 Lloyd's Rep. 53, C.A. **Considered**, *Glencore Grain Rotterdam B.V. v. Lebanese Organisation for International Commerce (Lorico)* [1997] 2 Lloyd's Rep. 386, C.A.
- Park Air Services Plc., *In re* [1996] 1 W.L.R. 649. **Decision of Ferris J. reversed in part** [1997] 1 W.L.R. 1376, C.A.
- Parry v. Cleaver [1970] A.C. 1; [1969] 2 W.L.R. 821; [1969] 1 All E.R. 555, H.L.(E.). **Applied**, *Longden v. British Coal Corp.* [1997] 3 W.L.R. 1336, H.L.(E.). **Considered**, *Chan v. Hackney London Borough Council* [1997] I.C.R. 1014, E.A.T.
- Penn v. Bristol and West Building Society [1997] 1 W.L.R. 1356; [1997] 3 All E.R. 470, C.A. **Applied**, *Bristol and West Building Society v. Fancy & Jackson* [1997] 4 All E.R. 582
- Penny v. Wimbledon Urban District Council [1899] 2 Q.B. 72, C.A. **Distinguished**, *Rowe v. Herman* [1997] 1 W.L.R. 1390, C.A.
- Pepper v. Hart [1993] A.C. 593; [1992] 3 W.L.R. 1032; [1993] 1 All E.R. 42; 65 T.C. 421, H.L.(E.). **Considered**, *Johnson v. Prudential Assurance Co. Ltd.* (1996) T.C. Leaflet No. 3484
- Perishables Transport Co. Ltd. v. Spyropoulos (London) Ltd. [1964] 2 Lloyd's Rep. 379. **Considered**, *Cory Brothers Shipping Ltd. v. Baldan Ltd.* [1997] 2 Lloyd's Rep. 58
- Pertemps Group Ltd. v. Nixon (unreported), 1 July 1993, E.A.T. **Doubted**, *McMeechan v. Secretary of State for Employment* [1997] I.C.R. 549, C.A.
- Philips v. Ward [1956] 1 W.L.R. 471; [1956] 1 All E.R. 874, C.A. **Applied**, *Gardner v. Marsh & Parsons* [1997] 1 W.L.R. 489, C.A.
- Phoenix General Insurance Co. of Greece S.A. v. Halvanon Insurance Co. Ltd. [1988] Q.B. 216; [1987] 2 W.L.R. 512; [1987] 2 All E.R. 152, C.A. **Considered**, *R v. Wilson (Rupert)* [1997] 1 W.L.R. 1247, C.A.
- Photo Production Ltd. v. Securicor Transport Ltd. [1980] A.C. 827; [1980] 2 W.L.R. 283; [1980] 1 All E.R. 556, H.L.(E.). **Applied**, *Rock Refrigeration Ltd. v. Jones* [1997] I.C.R. 938, C.A.
- Photostatic Copiers (Southern) Ltd. v. Okuda [1995] I.R.L.R. 11, E.A.T. **Not followed**, *Secretary of State for Trade and Industry v. Cook* [1997] I.C.R. 288, E.A.T.
- Pigott v. Staines Investments Ltd. (1995) 68 T.C. 342. **Distinguished**, *MacNiven v. Westmoreland Investments Ltd.* (1997) T.C. Leaflet No. 3530
- Pink v. White & White (Earls Barton) Ltd. [1985] I.R.L.R. 489, E.A.T. **Not followed**, *Safeway Stores Plc. v. Burrell* [1997] I.C.R. 523, E.A.T.
- Pioneer Container, The [1994] 2 A.C. 324; [1994] 3 W.L.R. 1; [1994] 2 All E.R. 250; [1994] 1 Lloyd's Rep. 593, P.C. **Applied**, *Spectra International Plc. v. Haysoak Ltd.* [1997] 1 Lloyd's Rep. 153
- Polydor and R.S.O. Records Inc. v. Harlequin Record Shops and Simons Records Ltd. [1980] 1 C.M.L.R. 669, 673. **Dictum of Sir Robert Megarry V.-C. considered**, *Bricom Holdings Ltd. v. Inland Revenue Comrs.* (1997) T.C. Leaflet No. 3534, C.A.
- Ponsford v. H.M.S. Aerosols Ltd. [1979] A.C. 63; [1978] 3 W.L.R. 241; [1978] 2 All E.R. 837, H.L.(E.). **Followed**, *Dickinson v. Enfield London Borough Council* (1996) 95 L.G.R. 379, C.A.

- Pook v. Owen [1970] A.C. 244; [1969] 2 W.L.R. 775; [1969] 2 All E.R. 1; 45 T.C. 571, H.L.(E.). **Considered**, *Miners v. Atkinson* (1995) T.C. Leaflet No. 3500
- Poole Corpn. v. Moody [1945] K.B. 350; [1945] 1 All E.R. 536, C.A. **Not followed**, *Ezekiel v. Orakpo* [1997] 1 W.L.R. 340, C.A.
- Popat v. Shonchhatra [1995] 1 W.L.R. 908; [1995] 4 All E.R. 646. **Decision of David Neuberger Q.C. sitting as a deputy judge of the Chancery Division varied** [1997] 1 W.L.R. 1367, C.A.
- Porcelli v. Strathclyde Regional Council [1986] I.C.R. 564, Ct. of Sess. **Applied**, *Burton v. De Vere Hotels Ltd.* [1997] I.C.R. 1, E.A.T.
- Post Office v. Adekeye [1995] I.C.R. 540, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1997] I.C.R. 110, C.A.
- Practice Direction (Court of Appeal: Procedure) [1995] 1 W.L.R. 1191; [1995] 3 All E.R. 850, C.A. **Paragraphs 49 and 50 replaced**, *Practice Direction (Court of Appeal: Skeleton Arguments and Case Management)* [1997] 1 W.L.R. 1535, C.A. **Part II modified**, *Practice Direction (Court of Appeal: Amended Procedure)* [1997] 1 W.L.R. 1013, C.A.
- Practice Direction (Crime: Antecedents) [1993] 1 W.L.R. 1459; [1993] 4 All E.R. 863, C.A. **Revoked**, *Practice Direction (Crime: Antecedents) (No. 2)* [1997] 1 W.L.R. 1482
- Practice Direction (Crown Office List: Criminal Proceedings) [1983] 1 W.L.R. 925; [1983] 2 All E.R. 1020. **Replaced in part**, *Practice Direction (Crown Office List: Consent Orders)* [1997] 1 W.L.R. 825
- Practice Direction (Crown Office List: Uncontested Proceedings) [1982] 1 W.L.R. 979; [1982] 2 All E.R. 704. **Replaced**, *Practice Direction (Crown Office List: Consent Orders)* [1997] 1 W.L.R. 825
- Practice Note (Criminal Evidence: Unused Material) [1982] 1 All E.R. 734. **Considered**, *R. v. Mills* [1997] 3 W.L.R. 458, H.L.(E.)
- Preston v. Wolverhampton Healthcare N.H.S. Trust [1996] I.R.L.R. 484, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1997] I.C.R. 899, C.A.
- Puglia v. C. James & Sons [1996] I.C.R. 301, E.A.T. **Not followed**, *Rubenstein v. McGloughlin* [1997] I.C.R. 318, E.A.T.
- Quennell v. Maltby [1979] 1 W.L.R. 318, 322; [1979] 1 All E.R. 568, C.A. **Dictum of Lord Denning M.R. applied**, *Albany Home Loans Ltd. v. Massey* [1997] 2 All E.R. 609, C.A.
- Quietlynn Ltd. v. Plymouth City Council [1988] Q.B. 114; [1987] 3 W.L.R. 189; [1987] 2 All E.R. 1040, D.C. **Considered**, *R. v. Wicks* [1997] 2 W.L.R. 876, H.L.(E.)
- R. (Care Orders: Jurisdiction), *In re* [1995] 1 F.L.R. 711. **Considered**, *In re M. (A Minor) (Care Order: Jurisdiction)* [1997] Fam. 67; [1997] 2 W.L.R. 314
- R. (Child Abduction: Acquiescence), *In re* [1995] 1 F.L.R. 716, C.A. **Considered**, *In re H. (Minors) (Abduction: Acquiescence)* [1997] 2 W.L.R. 563, H.L.(E.)
- R.A. Securities Ltd. v. Mercantile Credit Co. Ltd. [1995] 3 All E.R. 581. **Applied**, *Johnson v. Davies* [1997] 1 W.L.R. 1511
- R. v. Abadom [1983] 1 W.L.R. 126; [1983] 1 All E.R. 364; 76 Cr.App.R. 48, C.A. **Applied**, *R. v. Jackson (Terry)* [1996] 2 Cr.App.R. 420, C.A.
- R. v. Acott [1996] 4 All E.R. 443, C.A. **Decision of the Court of Appeal (Criminal Division) affirmed** [1997] 1 W.L.R. 306, H.L.(E.)
- R. v. Agbim [1979] Crim.L.R. 171, C.A. **Considered**, *R. v. Hancock* [1996] 2 Cr.App.R. 554, C.A.
- R. v. Aitken (Ian) (1991) 94 Cr.App.R. 85, C.A. **Applied**, *R. v. Hagan* [1997] 1 Cr.App.R. 464, C.A.
- R. v. Anderson; R. v. Morris [1966] 2 Q.B. 110; [1966] 2 W.L.R. 1195; [1966] 2 All E.R. 644, C.C.A. **Applied**, *R. v. Powell (Anthony)* [1997] 3 W.L.R. 959, H.L.(E.)
- R. v. Associated Octel Co. Ltd. [1996] 1 W.L.R. 1543; [1996] I.C.R. 972; [1996] 4 All E.R. 846, H.L.(E.). **Considered**, *R. v. Gateway Foodmarkets Ltd.* [1997] I.C.R. 382, C.A.
- R. v. Atkinson [1984] 2 N.Z.L.R. 381. **Considered**, *Wallace v. The Queen* [1997] 1 Cr.App.R. 396, P.C.
- R. v. Bailey [1993] 3 All E.R. 513; 97 Cr.App.R. 365, C.A. **Applied**, *R. v. Roberts (Stephen)* [1997] 1 Cr.App.R. 217, C.A.
- R. v. Barnes (1970) 55 Cr.App.R. 100, C.A. **Considered**, *R. v. Alves* [1997] 1 Cr.App.R. 78, C.A.
- R. v. Barnes. *Ex parte* Lord Vernon (1910) 102 L.T. 860, D.C. **Applied**, *R. v. Peterborough Magistrates' Court, Ex parte Dowler* [1997] Q.B. 911; [1997] 2 W.L.R. 843, D.C.
- R. v. Barr (1986) 88 Cr.App.R. 362, C.A. **Overruled in part**, *R. v. Powell (Anthony)* [1997] 3 W.L.R. 959, H.L.(E.)
- R. v. Bell (1984) 78 Cr.App.R. 305, C.A. **Followed**, *R. v. Smith (Brian)* [1997] Q.B. 836; [1997] 2 W.L.R. 588, C.A.
- R. v. Bentham [1973] Q.B. 357; [1972] 3 W.L.R. 398; [1972] 3 All E.R. 271, C.A. **Considered**, *R. v. Jones (Ivor)* [1997] Q.B. 798; [1997] 2 W.L.R. 792, C.A.

- R. v. Birmingham City Council, *Ex parte* Equal Opportunities Commission [1989] A.C. 1155; [1989] 2 W.L.R. 520; [1989] 1 All E.R. 769, H.L.(E.). **Applied**, *Burton v. De Vere Hotels Ltd.* [1997] 1 C.R. 1, E.A.T.
- R. v. Blastland [1986] A.C. 41, 53; [1985] 3 W.L.R. 345; [1985] 2 All E.R. 1096; 81 Cr.App.R. 266, H.L.(E.). **Dicta of Lord Bridge of Harwich applied**, *R. v. Myers* [1997] 3 W.L.R. 552, H.L.(E.)
- R. v. Bolton Justices, *Ex parte* Scally [1991] 1 Q.B. 537; [1991] 2 W.L.R. 239; [1991] 2 All E.R. 619, D.C. **Distinguished**, *R. v. Criminal Injuries Compensation Board, Ex parte A.* [1997] 3 W.L.R. 776, C.A.
- R. v. Boyson [1991] Crim.L.R. 274, C.A. **Applied**, *R. v. Mahmood (Khalid)* [1997] 1 Cr.App.R. 414, C.A.
- R. v. Bradford Justices, *Ex parte* Wilkinson [1990] 1 W.L.R. 692; [1990] 2 All E.R. 833, D.C. **Not followed**, *R. v. Peterborough Magistrates' Court, Ex parte Dowler* [1997] Q.B. 911; [1997] 2 W.L.R. 843, D.C.
- R. v. Brookes (Lee Stewart) [1995] Crim.L.R. 630, C.A. **Applied**, *Director of Public Prosecutions v. Khan (Nasim)* [1997] R.T.R. 82, D.C.
- R. v. Brown (Gregory) [1996] A.C. 543; [1996] 2 W.L.R. 203; [1996] 1 All E.R. 545; [1996] 2 Cr.App.R. 72, H.L.(E.). **Applied**, *R. v. Fellows* [1997] 2 All E.R. 548; [1997] 1 Cr.App.R. 244, C.A.
- R. v. Brown (Kevin) (1983) 79 Cr.App.R. 115, C.A. **Applied**, *R. v. Smith (Christopher)* [1997] 1 Cr.App.R. 14, C.A. **Distinguished**, *R. v. Hancock* [1996] 2 Cr.App.R. 554, C.A.; *R. v. Giannetto* [1997] 1 Cr.App.R. 1, C.A.
- R. v. Brown (Winston) [1994] 1 W.L.R. 1599, C.A. **Decision of the Court of Appeal (Criminal Division) affirmed** [1997] 3 W.L.R. 447, H.L.(E.)
- R. v. Bruce (Steven) [1975] 1 W.L.R. 1252; [1975] 2 All E.R. 277; 61 Cr.App.R. 123, C.A. **Applied**, *R. v. Crawford (Charisse)* [1997] 1 W.L.R. 1329, C.A.
- R. v. Bryant (1946) 31 Cr.App.R. 146, C.C.A. **Overruled**, *R. v. Mills* [1997] 3 W.L.R. 458, H.L.(E.)
- R. v. Burstow [1997] 1 Cr.App.R. 144, C.A. **Decision of the Court of Appeal (Criminal Division) affirmed** [1997] 3 W.L.R. 534, H.L.(E.)
- R. v. C. [1996] Crim.L.R. 37, C.A. **Considered**, *R. v. Howes* [1996] 2 Cr.App.R. 490, C.A.
- R. v. Cairns (1983) 87 Cr.App.R. 287, C.A. **Distinguished**, *R. v. Townsend* [1997] 2 Cr.App.R. 540, C.A.
- R. v. Callaghan (Terence) (1991) 94 Cr.App.R. 226, C.A. **Followed**, *R. v. Smith (Brian)* [1997] Q.B. 836; [1997] 2 W.L.R. 588, C.A.
- R. v. Cambridge [1994] 1 W.L.R. 971; [1994] 2 All E.R. 760; 99 Cr.App.R. 142, C.A. **Applied**, *R. v. Dhillon (Kuljit Singh)* [1997] 2 Cr.App.R. 104, C.A.
- R. v. Chan-Fook [1994] 1 W.L.R. 689; [1994] 2 All E.R. 552; 99 Cr.App.R. 147, C.A. **Applied**, *R. v. Burstow* [1997] 1 Cr.App.R. 144, C.A.; *R. v. Ireland* [1997] 3 W.L.R. 534, H.L.(E.)
- R. v. Cheema [1994] 1 W.L.R. 147; [1994] 1 All E.R. 639; 98 Cr.App.R. 195, C.A. **Applied**, *R. v. Staines* [1997] 2 Cr.App.R. 426, C.A.
- R. v. Chief Constable of Sussex, *Ex parte* International Trader's Ferry Ltd. [1996] Q.B. 197; [1995] 3 W.L.R. 802; [1995] 4 All E.R. 364, D.C. **Decision of the Divisional Court of the Queen's Bench Division reversed** [1997] 3 W.L.R. 132, C.A.
- R. v. Chastny (No. 2) [1991] 1 W.L.R. 1385; [1992] 1 All E.R. 193; 94 Cr.App.R. 283, C.A. **Applied**, *R. v. Clark (Paul)* [1997] 1 W.L.R. 557, C.A.
- R. v. Church [1966] 1 Q.B. 59; [1965] 2 W.L.R. 1220; [1965] 2 All E.R. 72, C.C.A. **Considered**, *Attorney-General's Reference (No. 3 of 1994)* [1997] 3 W.L.R. 421, H.L.(E.)
- R. v. City of London Magistrates, *Ex parte* Asif [1996] S.T.C. 611, D.C. **Considered**, *R. v. O'Kane, Ex parte Northern Bank Ltd.* (1996) T.C. Leaflet No. 3497
- R. v. Clarence (1888) 22 Q.B.D. 23. **Distinguished**, *R. v. Ireland* [1997] 3 W.L.R. 534, H.L.(E.)
- R. v. Clinton [1993] 1 W.L.R. 1181; [1993] 2 All E.R. 998, C.A. **Considered**, *R. v. Hunt* (1994) 68 T.C. 132, C.A.
- R. v. Cogan [1976] Q.B. 217; [1975] 3 W.L.R. 316; [1975] 2 All E.R. 1059; 63 Cr.App.R. 217, C.A. **Applied**, *Director of Public Prosecutions v. K. and B.* [1997] 1 Cr.App.R. 36, D.C.
- R. v. Cole [1990] 1 W.L.R. 866; [1990] 2 All E.R. 108; 90 Cr.App.R. 478, C.A. **Approved**, *R. v. Gokal* [1997] 2 Cr.App.R. 266, C.A.
- R. v. Comr. of Police of the Metropolis, *Ex parte* Blackburn [1968] 2 Q.B. 118; [1968] 2 W.L.R. 893; [1968] 1 All E.R. 763, C.A. **Distinguished**, *R. v. Chief Constable of Sussex, Ex parte International Trader's Ferry Ltd.* [1997] 3 W.L.R. 132, C.A.
- R. v. Cook [1959] 2 Q.B. 340; [1959] 2 W.L.R. 616; [1959] 2 All E.R. 97; 43 Cr.App.R. 138, C.C.A. **Applied**, *R. v. Miller (Vance)* [1997] 2 Cr.App.R. 178, C.A.
- R. v. Coroner for North Humberside and Scunthorpe, *Ex parte* Jamieson [1995] Q.B. 1; [1994] 3 W.L.R. 82; [1994] 3 All E.R. 972, C.A. **Considered**, *R. v. Surrey Coroner, Ex parte Wright* [1997] Q.B. 786; [1997] 2 W.L.R. 16
- R. v. Cowan [1996] Q.B. 373; [1995] 3 W.L.R. 818; [1995] 4 All E.R. 939, C.A. **Applied**, *R. v. Condron (William)* [1997] 1 W.L.R. 827, C.A. **Considered**, *R. v. Friend* [1997] 1 W.L.R. 1433, C.A.

- R. v. Criminal Injuries Compensation Board, *Ex parte Carr* [1981] R.T.R. 122, D.C. **Applied**, *McDermott v. Director of Public Prosecutions* [1997] R.T.R. 474, D.C.
- R. v. Cripps, *Ex parte Muldoon* [1984] Q.B. 686; [1984] 3 W.L.R. 53; [1984] 2 All E.R. 705, C.A. **Distinguished**, *Electricity Supply Nominees Ltd. v. Farrell* [1997] 1 W.L.R. 1149, C.A.
- R. v. Croydon Justices, *Ex parte Dean* [1993] Q.B. 769; [1993] 3 W.L.R. 198; [1993] 3 All E.R. 129; 98 Cr.App.R. 76, D.C. **Applied**, *R. v. Bloomfield* [1997] 1 Cr.App.R. 135, C.A.
- R. v. Croydon London Borough Council, *Ex parte Graham* (1993) 26 H.L.R. 286, 291, 292, C.A. **Dicta of Sir Thomas Bingham M.R. applied**, *R. v. Westminster City Council, Ex parte Ermakov* (1995) 95 L.G.R. 119, C.A.
- R. v. Cunningham [1982] A.C. 566; [1981] 3 W.L.R. 223; [1981] 2 All E.R. 863, H.L.(E.). **Considered**, *Attorney-General's Reference (No. 3 of 1994)* [1997] 3 W.L.R. 421, H.L.(E.)
- R. v. Dairy Produce Quota Tribunal for England and Wales, *Ex parte Caswell* [1990] 2 A.C. 738; [1990] 2 W.L.R. 1320; [1990] 2 All E.R. 434, H.L.(E.). **Applied**, *R. v. Criminal Injuries Compensation Board, Ex parte A.* [1997] 3 W.L.R. 776, C.A.
- R. v. Dalby [1982] 1 W.L.R. 425; [1982] 1 All E.R. 916, C.A. **Distinguished**, *Attorney-General's Reference (No. 3 of 1994)* [1997] 3 W.L.R. 421, H.L.(E.)
- R. v. Danger (1857) 7 Cox C.C. 303. **Distinguished**, *R. v. Arnold (Lyndon)* [1997] 4 All E.R. 1, C.A.
- R. v. Da Silva [1990] 1 W.L.R. 31; [1990] 1 All E.R. 29; 90 Cr.App.R. 233, C.A. **Considered**, *R. v. South Ribble Magistrates, Ex parte Cochrane* [1996] 2 Cr.App.R. 544, C.A.
- R. v. Derwentside Justices, *Ex parte Heaviside* [1996] R.T.R. 384, D.C. **Explained**, *Director of Public Prosecutions v. Mansfield* [1997] R.T.R. 96, D.C.; *Director of Public Prosecutions v. Mooney* [1997] R.T.R. 434, D.C.
- R. v. Dickens [1990] 2 Q.B. 102; [1990] 2 W.L.R. 1384; [1990] 2 All E.R. 626; 91 Cr.App.R. 164, C.A. **Applied**, *R. v. Clark (Paul)* [1997] 1 W.L.R. 557, C.A.
- R. v. Dover Magistrates' Court, *Ex parte Kidner* [1983] 1 All E.R. 475. **Not followed**, *R. v. Bristol Justices, Ex parte Hodge* [1997] Q.B. 974; [1997] 2 W.L.R. 756
- R. v. Duncan (1981) 73 Cr.App.R. 359, 365, C.A. **Dictum of Lord Lane C.J. applied**, *Western v. Director of Public Prosecutions* [1997] 1 Cr.App.R. 474, D.C.
- R. v. Durante [1972] 1 W.L.R. 1612; [1972] 3 All E.R. 962; 56 Cr.App.R. 708, C.A. **Applied**, *R. v. Diedrich* [1997] 1 Cr.App.R. 361, C.A.
- R. v. Entry Clearance Officer, Bombay, *Ex parte Amin* [1983] 2 A.C. 818, 834; [1983] 3 W.L.R. 258; [1983] 2 All E.R. 864, H.L.(E.). **Dicta of Lord Fraser of Tullybelton considered**, *Farah v. Comr. of Police of the Metropolis* [1997] 2 W.L.R. 824, C.A.
- R. v. Evans [1995] Crim.L.R. 245, C.A. **Applied**, *R. v. Rackham* [1997] 2 Cr.App.R. 222, C.A.
- R. v. Fairbanks [1986] 1 W.L.R. 1202; [1986] R.T.R. 308; 83 Cr.App.R. 251, C.A. **Considered**, *R. v. Bergman* [1996] 2 Cr.App.R. 399, C.A.
- R. v. Feeny (1991) 94 Cr.App.R. 1, C.A. **Distinguished**, *Williams (Kervin) v. The Queen* [1997] A.C. 624; [1997] 2 W.L.R. 910, P.C.
- R. v. Follett [1989] Q.B. 338; [1989] 2 W.L.R. 512; [1989] 1 All E.R. 995; 88 Cr.App.R. 310, C.A. **Applied**, *R. v. Jackson (Andrew)* [1997] 2 Cr.App.R. 497, C.A.
- R. v. Francis [1990] 1 W.L.R. 1264; [1991] 1 All E.R. 225; 91 Cr.App.R. 271, C.A. **Applied**, *R. v. Jackson (Terry)* [1996] 2 Cr.App.R. 420, C.A.
- R. v. Funderburk [1990] 1 W.L.R. 587; [1990] 2 All E.R. 482; 90 Cr.App.R. 466, C.A. **Followed**, *R. v. Nagrecha* [1997] 2 Cr.App.R. 401, C.A.
- R. v. Gloucestershire County Council, *Ex parte Barry* [1996] 4 All E.R. 421, C.A. **Decision of the Court of Appeal reversed** [1997] A.C. 584; [1997] 2 W.L.R. 459, H.L.(E.)
- R. v. Gloucestershire County Council, *Ex parte Barry* [1997] A.C. 584; [1997] 2 W.L.R. 459; [1997] 2 All E.R. 1, H.L.(E.). **Applied**, *R. v. East Sussex County Council, Ex parte Tandy* [1997] 3 W.L.R. 884, C.A. **Considered**, *R. v. Sefton Metropolitan Borough Council, Ex parte Help the Aged* [1997] 4 All E.R. 532, C.A.
- R. v. Gomez [1993] A.C. 442; [1992] 3 W.L.R. 1067; [1993] 1 All E.R. 1; 96 Cr.App.R. 359, H.L.(E.). **Applied**, *R. v. Mazo* [1997] 2 Cr.App.R. 518, C.A.; *R. v. Kendrick* [1997] 2 Cr.App.R. 524, C.A.
- R. v. Governor of Belmarsh Prison, *Ex parte Francis* [1995] 1 W.L.R. 1121; [1995] 3 All E.R. 634, D.C. **Considered**, *R. v. Governor of Brixton Prison, Ex parte Levin* [1997] A.C. 741; [1997] 3 W.L.R. 117, H.L.(E.)
- R. v. Governor of Blundeston Prison, *Ex parte Gaffney* [1982] 1 W.L.R. 696; [1982] 2 All E.R. 492, D.C. **Doubted**, *R. v. Secretary of State for the Home Department, Ex parte Naughton* [1997] 1 W.L.R. 118, D.C. **Not followed**, *R. v. Governor of Brockhill Prison, Ex parte Evans* [1997] Q.B. 443; [1997] 2 W.L.R. 236, D.C.
- R. v. Governor of Brixton Prison, *Ex parte Ahsan* [1969] 2 Q.B. 222; [1969] 2 W.L.R. 618; [1969] 2 All E.R. 347, D.C. **Considered**, *R. v. Secretary of State for the Home Department, Ex parte Rahman* [1997] 3 W.L.R. 990, Collins J. and C.A.

- R. v. Governor of Brixton Prison, *Ex parte* Kotronis [1971] A.C. 250; [1969] 3 W.L.R. 1107; [1969] 3 All E.R. 1337, H.L.(E.). **Considered**, R. v. *Secretary of State for the Home Department, Ex parte* *Lauder* [1997] 1 W.L.R. 839, H.L.(E.)
- R. v. Governor of Brixton Prison, *Ex parte* Levin [1997] Q.B. 65; [1996] 3 W.L.R. 657; [1996] 4 All E.R. 350, D.C. **Decision of the Divisional Court of the Queen's Bench Division affirmed** [1997] A.C. 741; [1997] 3 W.L.R. 117, H.L.(E.)
- R. v. Governor of Brixton Prison, *Ex parte* Levin [1997] A.C. 741; [1997] 3 W.L.R. 117; [1997] 3 All E.R. 289, H.L.(E.). **Applied**, *Cuoghi v. Governor of Brixton Prison* [1997] 1 W.L.R. 1346, C.A.
- R. v. Governor of Brixton Prison, *Ex parte* Schtraks [1964] A.C. 556; [1962] 3 W.L.R. 1013; [1962] 3 All E.R. 529, H.L.(E.). **Considered**, R. v. *Secretary of State for the Home Department, Ex parte* *Fininvest S.p.A.* [1997] 1 W.L.R. 743, D.C.
- R. v. Governor of H.M. Prison Styal, *Ex parte* Mooney [1996] 1 Cr.App.R.(S.) 74, D.C. **Doubted**, R. v. *Secretary of State for the Home Department, Ex parte* *Naughton* [1997] 1 W.L.R. 118, D.C. **Not followed**, R. v. *Governor of Brockhill Prison, Ex parte* *Evans* [1997] Q.B. 443; [1997] 2 W.L.R. 236, D.C.
- R. v. Governor of Pentonville Prison, *Ex parte* Budlong [1980] 1 W.L.R. 1110; [1980] 1 All E.R. 701, D.C. **Applied**, R. v. *Secretary of State for the Home Department, Ex parte* *Lauder* [1997] 1 W.L.R. 839, H.L.(E.)
- R. v. Governor of Winchester Prison, *Ex parte* Roddie [1991] 1 W.L.R. 303; [1991] 2 All E.R. 931; 93 Cr.App.R. 190, D.C. **Considered**, R. v. *Birmingham Crown Court, Ex parte* *Bell* [1997] 2 Cr.App.R. 363, D.C.
- R. v. Graham [1997] 1 Cr.App.R. 302, C.A. **Distinguished**, R. v. *Hilton* [1997] 2 Cr.App.R. 445, C.A.
- R. v. Graham (Paul) [1982] 1 W.L.R. 294; [1982] 1 All E.R. 801, C.A. **Considered**, R. v. *Bowen* [1997] 1 W.L.R. 372, C.A.
- R. v. Gray [1995] 2 Cr.App.R. 100, C.A. **Considered**, R. v. *Murray (Anthony)* [1997] 2 Cr.App.R. 136, C.A.
- R. v. Groom [1977] Q.B. 6; [1976] 2 W.L.R. 618; [1976] 2 All E.R. 321; 62 Cr.App.R. 242, C.A. **Applied**, R. v. *Townsend* [1997] 2 Cr.App.R. 540, C.A.
- R. v. Halai [1983] Crim.L.R. 624, C.A. **Disapproved**, R. v. *Graham* [1997] 1 Cr.App.R. 302, C.A.
- R. v. Hall (Edward Leonard) (1985) 81 Cr.App.R. 260, C.A. **Disapproved**, R. v. *Forsyth* [1997] 2 Cr.App.R. 299, C.A.
- R. v. Hancock [1986] A.C. 455; [1986] 2 W.L.R. 357; [1986] 1 All E.R. 641; 82 Cr.App.R. 264, H.L.(E.). **Applied**, R. v. *Woollin* [1997] 1 Cr.App.R. 97, C.A. **Distinguished**, R. v. *Powell (Anthony)* [1997] 3 W.L.R. 959, H.L.(E.)
- R. v. Harris [1964] Crim.L.R. 54, C.A. **Applied**, R. v. *Fernandez* [1997] 1 Cr.App.R. 123, C.A.
- R. v. Hassock (1977) 15 J.L.R. 135. **Approved**, *Williams (Noel) v. The Queen* [1997] 1 W.L.R. 548, P.C.
- R. v. Higher Education Funding Council, *Ex parte* Institute of Dental Surgery [1994] 1 W.L.R. 242; [1994] 1 All E.R. 651, D.C. **Considered**, R. v. *City of London Corpn., Ex parte* *Matson* [1997] 1 W.L.R. 765, C.A.
- R. v. Hill (1992) 96 Cr.App.R. 456, C.A. **Applied**, R. v. *Fernandez* [1997] 1 Cr.App.R. 123, C.A.
- R. v. Horseferry Road Magistrates' Court, *Ex parte* Bennett [1994] 1 A.C. 42; [1993] 3 W.L.R. 90; [1993] 3 All E.R. 138, H.L.(E.). **Considered**, R. v. *Inland Revenue Comrs., Ex parte* *Allen* (1997) T.C. Leaflet No. 3516, D.C.
- R. v. Horseferry Road Magistrates' Court, *Ex parte* K. [1997] Q.B. 23; [1996] 3 W.L.R. 68; [1996] 3 All E.R. 719; 160 J.P. 441, D.C. **Applied**, *Director of Public Prosecutions v. H.* [1997] 1 W.L.R. 1406, D.C.
- R. v. Houlden (1993) 99 Cr.App.R. 244, C.A. **Applied**, R. v. *Smith (Christopher)* [1997] 1 Cr.App.R. 14, C.A.
- R. v. House [1994] Crim.L.R. 682, C.A. **Applied**, R. v. *Harron* [1996] 2 Cr.App.R. 457, C.A.
- R. v. Hulsi (1973) 58 Cr.App.R. 378, C.A. **Considered**, R. v. *Alves* [1997] 1 Cr.App.R. 78, C.A.
- R. v. Human Fertilisation and Embryology Authority, *Ex parte* Blood [1996] 3 W.L.R. 1176. **Decision of Sir Stephen Brown P. reversed in part** [1997] 2 W.L.R. 806, C.A.
- R. v. Human Fertilisation and Embryology Authority, *Ex parte* Blood [1997] 2 W.L.R. 806; [1997] 2 All E.R. 687, C.A. **Considered**, *U. v. W. (Attorney-General Intervening)* [1997] 3 W.L.R. 739
- R. v. Hutchinson (1985) 82 Cr.App.R. 51, C.A. **Considered**, R. v. *Diedrich* [1997] 1 Cr.App.R. 361, C.A.
- R. v. Hyde [1991] 1 Q.B. 134; [1990] 3 W.L.R. 1115; [1990] 3 All E.R. 892, C.A. **Considered**, R. v. *Powell (Anthony)* [1997] 3 W.L.R. 959, H.L.(E.)
- R. v. Immigration Appeal Tribunal, *Ex parte* Antonissen (Case C-292/89) [1991] E.C.R. I-745, E.C.J. **Considered**, *Chief Adjudication Officer v. Wolke* [1997] 1 W.L.R. 1640, H.L.(E.)
- R. v. Inland Revenue Comrs., *Ex parte* Coombs (T.C.) & Co. [1991] 2 A.C. 283; [1991] 2 W.L.R. 682; [1991] 3 All E.R. 623; 64 T.C. 124, H.L.(E.). **Considered**, R. v. *Inland Revenue Comrs., Ex parte* *Continental Shipping Ltd. S.A.* (1996) T.C. Leaflet No. 3483; R. v. *O'Kane, Ex parte* *Northern Bank Ltd.* (1996) T.C. Leaflet No. 3497

- R. v. Inland Revenue Comrs, *Ex parte* Matrix Securities Ltd. [1994] 1 W.L.R. 334; [1994] 1 All E.R. 769; 66 T.C. 587, H.L.(E.). **Considered**, *R. v. O'Kane, Ex parte Northern Bank Ltd.* (1996) T.C. Leaflet No. 3497
- R. v. Inland Revenue Comrs., *Ex parte* Mead [1993] 1 All E.R. 772; 65 T.C. 1, D.C. **Considered**, *R. v. Inland Revenue Comrs., Ex parte Allen* (1997) T.C. Leaflet No. 3516, D.C.
- R. v. Inland Revenue Comrs., *Ex parte* Preston [1985] A.C. 835; [1985] 2 W.L.R. 836; [1985] 2 All E.R. 327; 59 T.C. 1, H.L.(E.). **Considered**, *R. v. Inland Revenue Comrs., Ex parte Allen* (1997) T.C. Leaflet No. 3516, D.C.
- R. v. Inland Revenue Comrs., *Ex parte* Rossminster Ltd. [1980] A.C. 952, 1009; [1980] 2 W.L.R. 1; [1980] 1 All E.R. 80; 52 T.C. 160, H.L.(E.). **Applied**, *Attorney-General of Jamaica v. Williams* [1997] 3 W.L.R. 389, P.C. **Dictum of Lord Diplock doubted**, *R. v. Hunt* (1994) 68 T.C. 132, C.A.
- R. v. Ireland [1997] Q.B. 114; [1996] 3 W.L.R. 650; [1997] 1 All E.R. 112, C.A. **Decision of the Court of Appeal (Criminal Division) affirmed** [1997] 3 W.L.R. 534, H.L.(E.)
- R. v. Jelen (1989) 90 Cr.App.R. 456, C.A. **Applied**, *R. v. Roberts (Stephen)* [1997] 1 Cr.App.R. 217, C.A.
- R. v. Keeton [1995] 2 Cr.App.R. 241, C.A. **Considered**, *R. v. Smith (Christopher)* [1997] 1 Cr.App.R. 14, C.A.
- R. v. Khan (Sultan) [1997] A.C. 558; [1996] 3 W.L.R. 162; [1996] 3 All E.R. 289; [1996] 2 Cr.App.R. 440, H.L.(E.). **Distinguished**, *R. v. Staines* [1997] 2 Cr.App.R. 426, C.A.
- R. v. King's Lynn Justices, *Ex parte* Holland [1993] 1 W.L.R. 324; [1993] 2 All E.R. 377, D.C. **Applied**, *R. v. Governor of Brixton Prison, Ex parte Levin* [1997] A.C. 741; [1997] 3 W.L.R. 117, H.L.(E.)
- R. v. Kingston-upon-Hull Rent Tribunal, *Ex parte* Black [1949] 1 All E.R. 260, D.C. **Considered**, *Providence Capitol Trustees Ltd. v. Ayres* [1996] 4 All E.R. 760
- R. v. Kohn (1979) 69 Cr.App.R. 395, C.A. **Considered**, *R. v. Hilton* [1997] 2 Cr.App.R. 445, C.A.
- R. v. Landon [1995] Crim.L.R. 338, C.A. **Applied**, *R. v. Harron* [1996] 2 Cr.App.R. 457, C.A.
- R. v. Lawrence (Alan) [1972] A.C. 626, 632; [1971] 3 W.L.R. 225; [1971] 2 All E.R. 1253; 55 Cr.App.R. 471, H.L.(E.). **Applied**, *R. v. Kendrick* [1997] 2 Cr.App.R. 524, C.A. **Dictum of Viscount Dilhorne considered**, *R. v. Mazo* [1997] 2 Cr.App.R. 524, C.A.
- R. v. Law Society, *Ex parte* Mortgage Express Ltd. [1997] 2 All E.R. 348, C.A. **Applied**, *R. v. Law Society, Ex parte Ingman Foods Oy AB* [1997] 2 All E.R. 666
- R. v. Lee [1996] Crim.L.R. 825, C.A. **Considered**, *R. v. Mahmood (Khalid)* [1997] 1 Cr.App.R. 414, C.A.
- R. v. Lesser (1940) 27 Cr.App.R. 69, C.C.A. **Applied**, *R. v. Hawkins (Paul)* [1997] 1 Cr.App.R. 234, C.A.
- R. v. Lewis (1991) 95 Cr.App.R. 131, C.A. **Doubted**, *R. v. Smith (Brian)* [1997] Q.B. 836; [1997] 2 W.L.R. 588, C.A.
- R. v. London Corpn., *Ex parte* Scales (1832) 3 B. & Ad. 255. **Considered**, *R. v. City of London Corpn., Ex parte Matson* [1997] 1 W.L.R. 765, C.A.
- R. v. Madden [1975] 1 W.L.R. 1379; [1975] 3 All E.R. 155, C.A. **Applied**, *R. v. Johnson (Anthony)* [1997] 1 W.L.R. 367, C.A.
- R. v. Mandair [1995] 1 A.C. 208, 215; [1994] 2 W.L.R. 700; [1994] 2 All E.R. 715; 99 Cr.App.R. 250, H.L.(E.). **Dicta of Lord Mackay of Clashfern L.C. applied**, *R. v. Ireland* [1997] 3 W.L.R. 534, H.L.(E.)
- R. v. Marsh (1985) 83 Cr.App.R. 165, C.A. **Followed**, *R. v. Nagrecha* [1997] 2 Cr.App.R. 401, C.A.
- R. v. Maxwell [1990] 1 W.L.R. 401; [1990] 1 All E.R. 801; 91 Cr.App.R. 61, H.L.(E.). **Considered**, *R. v. Bergman* [1969] 2 Cr.App.R. 399, C.A.
- R. v. Mazo [1997] 2 Cr.App.R. 518, C.A. **Distinguished**, *R. v. Kendrick* [1997] 2 Cr.App.R. 524, C.A.
- R. v. Mid-Worcestershire Justices, *Ex parte* Hart [1989] C.O.D. 397, D.C. **Applied**, *R. v. Peterborough Magistrates' Court, Ex parte Dowler* [1997] Q.B. 911; [1997] 2 W.L.R. 843, D.C.
- R. v. Millward [1994] Crim.L.R. 527, C.A. **Applied**, *Director of Public Prosecutions v. K. and B.* [1997] 1 Cr.App.R. 36, D.C.
- R. v. Ministry of Agriculture, Fisheries and Food, *Ex parte* Hamble (Offshore) Fisheries Ltd. [1995] 2 All E.R. 714. **Overruled**, *R. v. Secretary of State for the Home Department, Ex parte Hargreaves* [1997] 1 W.L.R. 906, C.A.
- R. v. Ministry of Agriculture, Fisheries and Food, *Ex parte* Hedley Lomas (Ireland) Ltd. (Case C-5/94) [1997] Q.B. 139; [1996] 3 W.L.R. 787; [1996] All E.R. (E.C.) 493, E.C.J. **Considered**, *Dillenkofer v. Federal Republic of Germany* (Joined Cases C-178, 179 and 188-190/94) [1997] Q.B. 259; [1997] 2 W.L.R. 253, E.C.J.
- R. v. Ministry of Defence, *Ex parte* Smith [1996] Q.B. 517, 554; [1996] 2 W.L.R. 305; [1996] 1 All E.R. 257, C.A. **Dictum of Sir Thomas Bingham M.R. applied**, *R. v. Secretary of State for the Home Department, Ex parte Canbolat* [1997] 1 W.L.R. 1569, C.A.
- R. v. Mitchell [1977] 1 W.L.R. 753; [1977] 2 All E.R. 168; 65 Cr.App.R. 185, C.A. **Applied**, *R. v. Hawkins (Paul)* [1997] 1 Cr.App.R. 234, C.A.

- R. v. Mitchell [1994] Crim.L.R. 66, C.A. **Considered**, *R. v. Hancock* [1996] 2 Cr.App.R. 554, C.A.
- R. v. Moloney [1985] A.C. 905; [1985] 2 W.L.R. 648; [1985] 1 All E.R. 1025, H.L.(E.). **Distinguished**, *R. v. Powell (Anthony)* [1997] 3 W.L.R. 959, H.L.(E.)
- R. v. Morais [1988] 3 All E.R. 161; 87 Cr.App.R. 9, C.A. **Distinguished**, *R. v. Jackson (Andrew)* [1997] 2 Cr.App.R. 497, C.A.
- R. v. More [1987] 1 W.L.R. 1578; [1987] 3 All E.R. 825; 86 Cr.App.R. 234, H.L.(E.). **Considered**, *R. v. Hancock* [1996] 2 Cr.App.R. 554, C.A.
- R. v. Moys (1984) 79 Cr.App.R. 72, C.A. **Followed**, *R. v. Forsyth* [1997] 2 Cr.App.R. 299, C.A.
- R. v. Myers [1996] 2 Cr.App.R. 335, C.A. **Decision of the Court of Appeal (Criminal Division) affirmed** [1997] 3 W.L.R. 552, H.L.(E.)
- R. v. National Insurance Comr., *Ex parte* Secretary of State for Social Services [1981] 1 W.L.R. 1017; [1981] 2 All E.R. 738, C.A. **Applied**, *Cockburn v. Chief Adjudication Officer* [1997] 1 W.L.R. 799, H.L.(E.)
- R. v. Nedrick [1986] 1 W.L.R. 1025; [1986] 3 All E.R. 1; 83 Cr.App.R. 267, C.A. **Distinguished**, *R. v. Woollin* [1997] 1 Cr.App.R. 97, C.A.
- R. v. Newland [1988] Q.B. 402; [1988] 2 W.L.R. 382; [1988] 2 All E.R. 891; 87 Cr.App.R. 118, C.A. **Doubted**, *R. v. Smith (Brian)* [1997] Q.B. 836; [1997] 2 W.L.R. 588, C.A.
- R. v. Oldham Justices, *Ex parte* Cawley [1997] Q.B. 1; [1996] 2 W.L.R. 681; [1996] 1 All E.R. 464, D.C. **Considered**, *R. v. Stockport Justices, Ex parte Conlon* [1997] 2 All E.R. 204, D.C.
- R. v. O'Toole (Note) [1974] R.T.R. 88, 91, C.A. **Dictum of Sachs L.J. applied**, *R. v. Collins (Lezlie)* [1997] R.T.R. 439, C.A.
- R. v. Ottewell [1970] A.C. 642; [1968] 3 W.L.R. 621; [1968] 3 All E.R. 153, H.L.(E.). **Applied**, *McKenzie v. Director of Public Prosecutions* [1997] R.T.R. 175, D.C.
- R. v. Parmenter [1992] 1 A.C. 699; [1991] 3 W.L.R. 914; [1991] 4 All E.R. 698; 94 Cr.App.R. 193, H.L.(E.). **Considered**, *R. v. Constanza* [1997] 2 Cr.App.R. 492, C.A.
- R. v. Peterborough Magistrates' Court, *Ex parte* Dowler [1997] Q.B. 911; [1997] 2 W.L.R. 843, D.C. **Considered**, *R. v. Hereford Magistrates' Court, Ex parte Rowlands* [1997] 2 W.L.R. 854, D.C.
- R. v. Phillips (Daniel) (1987) 86 Cr.App.R. 18, C.A. **Applied**, *R. v. Giannetto* [1997] 1 Cr.App.R. 1, C.A.
- R. v. Powell (Anthony) [1996] 1 Cr.App.R. 14, C.A. **Decision of the Court of Appeal (Criminal Division) affirmed** [1997] 3 W.L.R. 959, H.L.(E.)
- R. v. Preddy [1996] A.C. 815; [1996] 3 W.L.R. 255; [1996] 3 All E.R. 481; [1996] 2 Cr.App.R. 524, H.L.(E.). **Applied**, *R. v. Graham* [1997] 1 Cr.App.R. 302, C.A.; *R. v. Hilton* [1997] 2 Cr.App.R. 445, C.A.
- R. v. Preston [1994] 2 A.C. 130; [1993] 3 W.L.R. 891; [1993] 4 All E.R. 638; 98 Cr.App.R. 405, H.L.(E.). **Distinguished**, *R. v. Rasool* [1997] 1 W.L.R. 1092, C.A.
- R. v. Quick [1973] Q.B. 910; [1973] 3 W.L.R. 26; [1973] 3 All E.R. 347, C.A. **Applied**, *R. v. Marison* [1997] R.T.R. 457, C.A.
- R. v. Quinn [1995] 1 Cr.App.R. 480, C.A. **Applied**, *R. v. Dures* [1997] 2 Cr.App.R. 247, C.A.
- R. v. Radio Authority, *Ex parte* Bull [1996] Q.B. 169; [1995] 3 W.L.R. 572; [1995] 4 All E.R. 481, D.C. **Decision of the Divisional Court of the Queen's Bench Division affirmed** [1997] 3 W.L.R. 1094, C.A.
- R. v. Ramsden [1972] Crim.L.R. 547, C.A. **Applied**, *R. v. Hawkins (Paul)* [1997] 1 Cr.App.R. 234, C.A.
- R. v. Rawlings (Practice Note) [1995] 1 W.L.R. 178; [1995] 1 All E.R. 580; [1995] 2 Cr.App.R. 222, C.A. **Applied**, *R. v. Hagan* [1997] 1 Cr.App.R. 464, C.A.
- R. v. Reading Crown Court, *Ex parte* Hutchinson [1988] Q.B. 384; [1987] 3 W.L.R. 1062; [1988] 1 All E.R. 333, D.C. **Considered**, *R. v. Wicks* [1997] 2 W.L.R. 876, H.L.(E.)
- R. v. Reading Crown Court, *Ex parte* Malik [1981] Q.B. 451; [1981] 2 W.L.R. 473; [1981] 1 All E.R. 249; 72 Cr.App.R. 146, D.C. **Considered**, *R. v. Croydon Crown Court, Ex parte Cox* [1997] 1 Cr.App.R. 20, D.C.
- R. v. Redbourne [1992] 1 W.L.R. 1182, 1187; 96 Cr.App.R. 201, C.A. **Dictum of Staughton L.J. considered**, *R. v. Clark (Paul)* [1997] 1 W.L.R. 557, C.A.
- R. v. Riaz (1991) 94 Cr.App.R. 339, C.A. **Applied**, *R. v. Hagan* [1997] 1 Cr.App.R. 464, C.A.
- R. v. Richardson (Michael) [1979] 1 W.L.R. 1316; [1979] 3 All E.R. 247, C.A. **Considered**, *R. v. Conroy* [1997] 2 Cr.App.R. 285, C.A.
- R. v. Robertson [1987] Q.B. 920; [1987] 3 W.L.R. 327; [1987] 3 All E.R. 231; 85 Cr.App.R. 304, C.A. **Applied**, *R. v. Mahmood (Khalid)* [1997] 1 Cr.App.R. 414, C.A.
- R. v. Russell-Jones [1995] 3 All E.R. 239; [1995] 1 Cr.App.R. 538, C.A. **Applied**, *R. v. Brown (Daniel)* [1997] 1 Cr.App.R. 112, C.A.
- R. v. Secretary of State for Employment, *Ex parte* Equal Opportunities Commission [1992] I.C.R. 341; [1992] 1 All E.R. 454, D.C.; [1993] 1 W.L.R. 872; [1993] I.C.R. 251; [1993] 1 All E.R. 1022, C.A. **Considered**, *Barry v. Midland Bank Plc.* [1997] I.C.R. 192, E.A.T.

- R. v. Secretary of State for Employment, *Ex parte* Equal Opportunities Commission [1995] 1 A.C. 1, 32; [1994] 2 W.L.R. 409; [1994] I.C.R. 317; [1994] 1 All E.R. 910, H.L.(E.). **Dictum of Lord Keith of Kinkel applied**, *R. v. Secretary of State for Employment, Ex parte Seymour-Smith* [1997] 1 W.L.R. 473; [1997] I.C.R. 371, H.L.(E.)
- R. v. Secretary of State for Employment, *Ex parte* Seymour-Smith [1995] I.C.R. 889, C.A. **Decision of the Court of Appeal reversed in part** [1997] 1 W.L.R. 473; [1997] I.C.R. 371, H.L.(E.)
- R. v. Secretary of State for Health, *Ex parte* Richardson (Case C-137/94) [1996] I.C.R. 471; [1995] All E.R. (E.C.) 865; [1995] E.C.R. I-3407, E.C.J. **Applied**, *Atkins v. Wrekin District Council* (Case C-228/94) [1997] I.C.R. 75, E.C.J.
- Reg. v. Secretary of State for Trade and Industry, *Ex parte* Unison [1996] I.C.R. 1003, D.C. **Considered**, *Addison v. Denholm Ship Management (U.K.) Ltd.* [1997] I.C.R. 770, E.A.T.(Sc.)
- R. v. Secretary of State for the Environment, *Ex parte* Hammersmith and Fulham London Borough Council [1991] 1 A.C. 521; [1990] 3 W.L.R. 898; [1990] 3 All E.R. 589, H.L.(E.). **Distinguished**, *R. v. Secretary of State for Social Security, Ex parte Joint Council for the Welfare of Immigrants* [1997] 1 W.L.R. 275, C.A.
- R. v. Secretary of State for the Home Department, *Ex parte* Bugdaycay [1987] A.C. 514, 531; [1987] 2 W.L.R. 606; [1987] 1 All E.R. 940, H.L.(E.). **Dictum of Lord Bridge of Harwich applied**, *R. v. Secretary of State for the Home Department, Ex parte Canbolat* [1997] 1 W.L.R. 1569, C.A. **Considered**, *R. v. Secretary of State for the Home Department, Ex parte Launder* [1997] 1 W.L.R. 839, H.L.(E.). **Distinguished**, *Nguyen Tuan Cuong v. Director of Immigration* [1997] 1 W.L.R. 68, P.C.
- R. v. Secretary of State for the Home Department, *Ex parte* Doody [1994] 1 A.C. 531; [1993] 3 W.L.R. 154; [1993] 3 All E.R. 92, H.L.(E.). **Applied**, *R. v. City of London Corpn., Ex parte Maison* [1997] 1 W.L.R. 765, C.A.; *R. v. Secretary of State for the Home Department, Ex parte Venables* [1997] 2 W.L.R. 67, C.A.; *R. v. Dhillon (Kuljit Singh)* [1997] 2 Cr.App.R. 104, C.A. **Considered**, *R. v. Secretary of State for the Home Department, Ex parte Pierson* [1997] 3 W.L.R. 492, H.L.(E.)
- R. v. Secretary of State for the Home Department, *Ex parte* Evans Medical Ltd. (Case C-324/93) [1995] E.C.R. I-563, E.C.J. **Applied**, *R. v. H.M. Treasury, Ex parte Centro-Com S.r.l.* (Case C-124/95) [1997] Q.B. 683; [1997] 3 W.L.R. 239, E.C.J.
- R. v. Secretary of State for the Home Department, *Ex parte* Khawaja [1984] A.C. 74; [1983] 2 W.L.R. 321; [1983] 1 All E.R. 765, H.L.(E.). **Applied**, *R. v. Secretary of State for the Home Department, Ex parte Rahman* [1997] 3 W.L.R. 990, Collins J. and C.A.
- R. v. Secretary of State for the Home Department, *Ex parte* Leech [1994] Q.B. 198; [1993] 3 W.L.R. 1125; [1993] 4 All E.R. 539, C.A. **Applied**, *R. v. Secretary of State for Social Security, Ex parte Joint Council for the Welfare of Immigrants* [1997] 1 W.L.R. 275, C.A.
- R. v. Secretary of State for the Home Department, *Ex parte* Pierson [1996] 3 W.L.R. 547; [1996] 1 All E.R. 837, C.A. **Decision of the Court of Appeal reversed** [1997] 3 W.L.R. 492, H.L.(E.)
- R. v. Secretary of State for the Home Department, *Ex parte* Puttick [1981] Q.B. 767; [1981] 2 W.L.R. 440; [1981] 1 All E.R. 776, D.C. **Considered**, *S.-T. (formerly J.) v. J.* [1997] 3 W.L.R. 1287, C.A.
- R. v. Secretary State for the Home Department, *Ex parte* Sivakumaran [1988] A.C. 958; [1988] 2 W.L.R. 92; [1988] 1 All E.R. 193, H.L.(E.). **Distinguished**, *R. v. Secretary of State for the Home Department, Ex parte Canbolat* [1997] 1 W.L.R. 1569, C.A.
- R. v. Secretary of State for the Home Department, *Ex parte* Venables [1997] 2 W.L.R. 67; [1997] 1 All E.R. 327, C.A. **Decision of the Court of Appeal reversed in part** [1997] 3 W.L.R. 23, H.L.(E.)
- R. v. Secretary of State for the Home Department, *Ex parte* Venables [1997] 3 W.L.R. 23; [1997] 3 All E.R. 97, H.L.(E.). **Considered**, *R. v. Secretary of State for the Home Department, Ex parte Pierson* [1997] 3 W.L.R. 492, H.L.(E.)
- R. v. Sharp (Colin) [1988] 1 W.L.R. 7; [1988] 1 All E.R. 65; 86 Cr.App.R. 274, H.L.(E.). **Applied**, *Western v. Director of Public Prosecutions* [1997] 1 Cr.App.R. 474, D.C.
- R. v. Sheffield Justices, *Ex parte* Turner [1991] 2 Q.B. 472; [1991] 2 W.L.R. 987; [1991] 1 All E.R. 858; 93 Cr.App.R. 180, D.C. **Considered**, *R. v. Birmingham Crown Court, Ex parte Bell* [1997] 2 Cr.App.R. 363, D.C.
- R. v. Shore (1988) 89 Cr.App.R. 32, C.A. **Distinguished**, *R. v. Rackham* [1997] 2 Cr.App.R. 222, C.A.
- R. v. Skinner [1995] Crim.L.R. 805, C.A. **Applied**, *R. v. Mahmood (Khalid)* [1997] 1 Cr.App.R. 414, C.A.
- R. v. Southwark Crown Court, *Ex parte* Customs and Excise Comrs. [1993] 1 W.L.R. 764, D.C. **Distinguished**, *R. v. Lord Chancellor, Ex parte Maxwell* [1997] 1 W.L.R. 104, D.C.
- R. v. Tavistock General Comrs., *Ex parte* Worth [1985] S.T.C. 564. **Overruled**, *R. v. Criminal Injuries Compensation Board, Ex parte A.* [1997] 3 W.L.R. 776, C.A.
- R. v. Tredwen (1993) 99 Cr.App.R. 154, C.A. **Overruled**, *R. v. Emmett* [1997] 3 W.L.R. 1119, H.L.(E.)
- R. v. Viola [1982] 1 W.L.R. 1138; [1982] 3 All E.R. 73; 75 Cr.App.R. 125, C.A. **Applied**, *R. v. Howes* [1996] 2 Cr.App.R. 490, C.A.

- R. v. Walker (John) (1989) 90 Cr.App.R. 226, C.A. **Considered**, *R. v. Woollin* [1997] 1 Cr.App.R. 97, C.A.
- R. v. Walters (1979) 69 Cr.App.R. 115, C.A. **Considered**, *R. v. Jones (Brian)* [1997] 2 Cr.App.R. 19, C.A.
- R. v. Ward (Judith) [1993] 1 W.L.R. 619; [1993] 2 All E.R. 577, C.A. **Considered**, *R. v. Mills* [1997] 3 W.L.R. 458, H.L.(E.)
- R. v. Webb (1994) 74 A.Crim.R. 436. **Considered**, *Wallace v. The Queen* [1997] 1 Cr.App.R. 396, P.C.
- R. v. Wicks (1995) 93 L.G.R. 377, C.A. **Decision of the Court of Appeal (Criminal Division) affirmed** [1997] 2 W.L.R. 876, H.L.(E.)
- R. v. Wilson (Clarence) [1984] A.C. 242; [1983] 3 W.L.R. 686; [1983] 3 All E.R. 448; 77 Cr.App.R. 319, H.L.(E.). **Considered**, *R. v. Graham* [1997] 1 Cr.App.R. 302, C.A.
- R. v. Woodward (Terence) [1995] 1 W.L.R. 375; [1995] 3 All E.R. 79; [1995] R.T.R. 130, C.A. **Applied**, *R. v. Marison* [1997] R.T.R. 457, C.A.
- R. v. Wright (1989) 90 Cr.App.R. 325, C.A. **Applied**, *R. v. B. (R.A.)* [1997] 2 Cr.App.R. 88, C.A.
- Ramsay (W.T.) Ltd. v. Inland Revenue Comrs. [1982] A.C. 300; [1981] 2 W.L.R. 449; [1981] 1 All E.R. 865; 54 T.C. 101, H.L.(E.). **Applied**, *Inland Revenue Comrs. v. McGuckian* [1997] 1 W.L.R. 991, H.L.(N.I.); *R. v. Inland Revenue Comrs., Ex parte Roux Waterside Inn Ltd.* (1997) T.C. Leaflet No. 3517. **Distinguished**, *Taylor Clark International Ltd. v. Lewis* (1997) T.C. Leaflet No. 3514
- Randall v. Plumb [1975] 1 W.L.R. 633; [1975] 1 All E.R. 734; 50 T.C. 392. **Followed**, *Garner v. Pounds Shipowners and Shipbreakers Ltd.* (1997) T.C. Leaflet No. 3513
- Rantzen v. Mirror Group Newspapers (1986) Ltd. [1994] Q.B. 670; [1993] 3 W.L.R. 953; [1993] 4 All E.R. 975, C.A. **Considered**, *Thompson v. Comr. of Police of the Metropolis* [1997] 3 W.L.R. 403, C.A.
- Redmond (Dr. Sophie) Stichting v. Bartol (Case C-29/91) [1992] E.C.R. I-3189, E.C.J. **Applied**, *Merckx v. Ford Motors Co. (Belgium) S.A.* (Case C-171/94) [1997] I.C.R. 352, E.C.J.
- Reed v. Young [1986] 1 W.L.R. 649; 59 T.C. 196, H.L.(E.). **Considered**, *Popat v. Shonchhatra* [1997] 1 W.L.R. 1367, C.A.
- Rees v. Sinclair [1974] 1 N.Z.L.R. 180. **Applied**, *Acton v. Graham Pearce & Co.* [1997] 3 All E.R. 909
- Registrar of Restrictive Trading Agreements v. Schweppes Ltd. (No. 2) (1971) L.R. 7 R.P. 336, 373; [1971] 1 W.L.R. 1148; [1971] 2 All E.R. 1473. **Dictum of Stamp J. disapproved**, *Associated Dairies Ltd. v. Baines* [1997] A.C. 524; [1997] 2 W.L.R. 364; [1997] I.C.R. 652, H.L.(E.)
- Reichert v. Dresdner Bank (Case C-115/88) [1990] E.C.R. I-27, E.C.J. **Applied**, *Jarrett v. Barclays Bank Plc.* [1997] 3 W.L.R. 654, C.A.
- Rewe-Zentralfinanz e.G. v. Landwirtschaftsskammer für das Saarland (Case 33/76) [1976] E.C.R. 1989, E.C.J. **Considered**, *Preston v. Wolverhampton Healthcare N.H.S. Trust* [1997] I.C.R. 899, C.A.
- Rex Williams Leisure Plc., *In re* [1994] Ch. 350; [1994] 3 W.L.R. 745; [1994] 4 All E.R. 27, C.A. **Applied**, *Secretary of State for Trade and Industry v. Ashcroft* [1997] 3 W.L.R. 319, C.A.
- Reynolds v. Phoenix Assurance Co. Ltd. [1978] 2 Lloyd's Rep. 22, C.A. **Considered**, *Adamson v. Waveney District Council* [1997] 2 All E.R. 898
- Rice v. Gordon (1843) 13 Sim. 580. **Applied**, *Cobra Golf Inc. v. Rata* [1997] 2 W.L.R. 629
- Rigby v. Ferodo Ltd. [1988] I.C.R. 29, H.L.(E.). **Applied**, *Ostle v. Alnwick Town Council* (1996) 95 L.G.R. 437, C.A.
- Riggs, *In re; Ex parte Lovell* [1901] 2 K.B. 16. **Applied**, *In re Landau (A Bankrupt)* [1997] 3 W.L.R. 225
- River Gurara (Owners of cargo lately laden on board) v. Nigerian National Shipping Line Ltd. [1996] 2 Lloyd's Rep. 53. **Decision of Colman J. affirmed** [1997] 3 W.L.R. 1128, C.A.
- Roebuck v. Mungovin [1994] 2 A.C. 224, 234; [1994] 2 W.L.R. 290; [1994] 1 All E.R. 568, H.L.(E.). **Dictum of Lord Browne-Wilkinson not followed**, *Hunter v. Skingley* [1997] 1 W.L.R. 1466, C.A.
- Rondel v. Worsley [1969] 1 A.C. 191; [1969] 3 W.L.R. 1666; [1967] 3 All E.R. 993, H.L.(E.). **Considered**, *Acton v. Graham Pearce & Co.* [1997] 3 All E.R. 909
- Rösler v. Rottwinkel (Case 241/83) [1986] Q.B. 33; [1985] 3 W.L.R. 898; [1985] E.C.R. 99, E.C.J. **Applied**, *Jarrett v. Barclays Bank Plc.* [1997] 3 W.L.R. 654, C.A.
- Rosseeel N.V. v. Oriental Commercial Shipping (U.K.) Ltd. [1990] 1 W.L.R. 1387; [1990] 3 All E.R. 545, C.A. **Considered**, *Crédit Suisse Fides Trust S.A. v. Cuoghi* [1997] 3 W.L.R. 871, C.A.
- Royal Society for the Protection of Birds v. Croucher [1984] I.C.R. 604, E.A.T. **Followed**, *Boys and Girls Welfare Society v. Macdonald* [1997] I.C.R. 693, E.A.T.
- Royal Trust Co. of Canada v. Markham [1975] 1 W.L.R. 1416; [1975] 3 All E.R. 433, C.A. **Applied**, *Cheltenham and Gloucester Plc. v. Krausz* [1997] 1 W.L.R. 1558, C.A.
- Rowell v. Pratt [1938] A.C. 101; [1937] 3 All E.R. 660, H.L.(E.). **Applied**, *Bank of Credit and Commerce International (Overseas) Ltd. v. Price Waterhouse (No. 2)* [1997] 3 W.L.R. 849
- Russell v. Town and Country Bank Ltd. (1888) 13 App.Cas. 418; 2 T.C. 321, H.L.(Sc.). **Distinguished**, *McLaren v. Mumford* (1996) T.C. Leaflet No. 3493

- S. (A Minor) (Custody: Habitual Residence), *In re*, The Times, 8 January 1997, C.A. **Decision of the Court of Appeal affirmed** [1997] 3 W.L.R. 597, H.L.(E.)
- S. (Discharge of Care Order), *In re* [1995] 2 F.L.R. 639, C.A. **Applied**, *In re B. (Minors) (Care Proceedings: Issue Estoppel)* [1997] Fam. 117; [1997] 3 W.L.R. 1
- S. and B. (Minors) (Child Abuse: Evidence), *In re* [1990] 2 F.L.R. 489, 498-499, C.A. **Dicta of Glidewell and Stocker L.J.J. applied**, *In re N. (A Minor) (Sexual Abuse: Video Evidence)* [1997] 1 W.L.R. 153, C.A.
- S. & T. Baustrading v. Nordling [1997] 3 All E.R. 718, C.A. **Not followed**, *Crédit Suisse Fides Trust S.A. v. Cuoghi* [1997] 3 W.L.R. 871, C.A.
- Säger v. Dennemeyer & Co. Ltd. (Case C-76/90) [1991] E.C.R. I-4221, E.C.J. **Applied**, *U. v. W. (Attorney-General Intervening)* [1977] 3 W.L.R. 739
- Saif Ali v. Sydney Mitchell & Co. [1980] A.C. 198; [1978] 3 W.L.R. 849; [1978] 3 All E.R. 1033, H.L.(E.). **Considered**, *Acton v. Graham Pearce & Co.* [1997] 3 All E.R. 909
- Sainsbury (J.) Ltd. v. Savage [1981] I.C.R. 1, C.A. **Applied**, *Post Office v. Adekeye* [1997] I.C.R. 110, C.A.
- Sainsbury (J.) Plc. v. O'Connor [1991] 1 W.L.R. 963, C.A. **Applied**, *Michaels v. Harley House (Marylebone) Ltd.* [1997] 1 W.L.R. 967
- Salsbury v. Woodland [1970] 1 Q.B. 324; [1969] 3 W.L.R. 29; [1969] 3 All E.R. 863, C.A. **Considered**, *Rowe v. Herman* [1997] 1 W.L.R. 1390, C.A.
- Sanders v. van der Putte (Case 73/77) [1977] E.C.R. 2383, E.C.J. **Applied**, *Jarrett v. Barclays Bank Plc.* [1997] 3 W.L.R. 654, C.A.
- Sandwell Metropolitan Borough Council v. Bujok [1990] 1 W.L.R. 1350; [1990] 3 All E.R. 385, H.L.(E.). **Considered**, *R. v. Liverpool Crown Court, Ex parte Cooke* [1997] 1 W.L.R. 700, D.C.
- Sanicentral G.m.b.H. v. Collin (Case 25/79) [1979] E.C.R. 3423, E.C.J. **Applied**, *Pearce v. Ove Arup Partnership Ltd.* [1997] Ch. 293; [1997] 2 W.L.R. 779
- Sarrio S.A. v. Kuwait Investment Authority [1997] 1 Lloyd's Rep. 113, C.A. **Decision of the Court of Appeal reversed** [1997] 3 W.L.R. 1143, H.L.(E.)
- Savjani v. Inland Revenue Comrs. [1981] Q.B. 458, 466, 467, 468; [1981] 2 W.L.R. 636; [1981] 1 All E.R. 1121, C.A. **Dicta of Templeman L.J. applied**, *Farah v. Comr. of Police of the Metropolis* [1997] 2 W.L.R. 824, C.A.
- Scandinavian Trading Tanker Co. A.B. v. Flota Petrolera Ecuatoriana (The Scaptrade) [1983] 2 A.C. 694; [1983] 3 W.L.R. 203; [1983] 2 All E.R. 763, H.L.(E.). **Applied**, *Union Eagle Ltd. v. Golden Achievement Ltd.* [1997] A.C. 514; [1997] 2 W.L.R. 341, P.C.
- Science Research Council v. Nassé [1980] A.C. 1028; [1979] 3 W.L.R. 762; [1979] 3 All E.R. 673, H.L.(E.). **Applied**, *Wallace Smith Trust Co. Ltd. v. Deloitte Haskins & Sells* [1997] 1 W.L.R. 257, C.A.
- Secretary of State for Employment v. Mann [1996] I.C.R. 197, E.A.T. **Decision of the Employment Appeal Tribunal reversed in part** [1997] I.C.R. 209, C.A.
- Secretary of State for Trade and Industry v. Rogers [1996] 1 W.L.R. 1569; [1996] 4 All E.R. 854, C.A. **Considered**, *In re Blackspur Group Plc.* [1997] 1 W.L.R. 710
- Semco Salvage and Marine Pte. Ltd. v. Lancer Navigation Co. Ltd. [1996] 1 Lloyd's Rep. 449, C.A. **Decision of the Court of Appeal affirmed** [1997] A.C. 455; [1997] 2 W.L.R. 298, H.L.(E.)
- Scindia Steamships (London) Ltd. v. London Assurance [1937] 1 K.B. 639; [1937] 3 All E.R. 895; 56 Ll.L.Rep. 136. **Considered**, *Promet Engineering (Singapore) Pte. Ltd. v. Sturge* [1997] 2 Lloyd's Rep. 146, C.A.
- Sheffield v. Oxford Chemicals Co. Ltd. [1979] I.C.R. 396, E.A.T. **Followed**, *Jones v. Mid-Glamorgan County Council* [1997] I.C.R. 417, E.A.T.
- Sheppard v. Inland Revenue Comrs. (No. 2) [1993] S.T.C. 240; 65 T.C. 724. **Not followed**, *Inland Revenue Comrs. v. Universities Superannuation Scheme Ltd.* (1996) T.C. Leaflet No. 3499
- Shevill v. Presse Alliance S.A. (Case C-68/93) [1995] 2 A.C. 18; [1995] 2 W.L.R. 499; [1995] All E.R. (E.C.) 289, E.C.J. **Applied**, *Pearce v. Ove Arup Partnership Ltd.* [1997] Ch. 293; [1997] 2 W.L.R. 779; *Mecklermedia Corp. v. D.C. Congress G.m.b.H.* [1997] 3 W.L.R. 479
- Shiloh Spinners Ltd. v. Harding [1973] A.C. 691; [1973] 2 W.L.R. 28; [1973] 1 All E.R. 90, H.L.(E.). **Considered**, *Co-operative Insurance Society Ltd. v. Argyll Stores (Holdings) Ltd.* [1997] 2 W.L.R. 898, H.L.(E.)
- Shimizu (U.K.) Ltd. v. Westminster City Council [1995] 1 E.G.L.R. 167, C.A. **Decision of the Court of Appeal reversed** [1997] 1 W.L.R. 168, H.L.(E.)
- Sidermar S.p.A. v. Appollo Corp. [1978] 1 Lloyd's Rep. 200. **Considered**, *Andre & Cie S.A. v. Orient Shipping (Rotterdam) B.V.* [1997] 1 Lloyd's Rep. 139
- Sidhu v. British Airways Plc. [1997] A.C. 430; [1997] 2 W.L.R. 26; [1997] 1 All E.R. 193; [1997] 2 All E.R. 76, H.L.(E. & Sc.). **Applied**, *Deaville v. Aeroflot Russian International Airlines* [1997] 2 Lloyd's Rep. 67
- Sillitoe v. McGraw-Hill Book Co. (U.K.) Ltd. [1983] F.S.R. 545. **Considered**, *ZYX Music G.m.b.H. v. King* [1997] 2 All E.R. 129, C.A.

- Simpson v. The Queen [1997] A.C. 1; [1996] 2 W.L.R. 700, P.C. **Distinguished**, *Williams (Kervin) v. The Queen* [1997] A.C. 624; [1997] 2 W.L.R. 910, P.C.
- Slater v. Hoyle & Smith Ltd. [1920] 2 K.B. 11, C.A. **Not followed**, *Bence Graphics International Ltd. v. Fasson U.K. Ltd.* [1997] 3 W.L.R. 205, C.A.
- Smith v. Director of Public Prosecutions (Note) [1992] R.T.R. 413, D.C. **Applied**, *Director of Public Prosecutions v. Brodsky (Note)* [1997] R.T.R. 425, D.C.
- Smith v. Land and House Property Corp'n. (1884) 28 Ch.D. 7, C.A. **Distinguished**, *Economides v. Commercial Assurance Co. Plc.* [1997] 3 W.L.R. 1066, C.A.
- Smith's Potato Estates Ltd. v. Bolland [1948] A.C. 508; [1948] 2 All E.R. 367; 30 T.C. 267, H.L.(E.). **Considered**, *Couch v. Caton's Administrators* (1997) T.C. Leaflet No. 3532, C.A.
- Smoker v. London Fire and Civil Defence Authority [1991] 2 A.C. 502; [1991] 2 W.L.R. 1052; [1991] I.C.R. 449; [1991] 2 All E.R. 449, H.L.(E.). **Applied**, *Longden v. British Coal Corp'n.* [1997] 3 W.L.R. 1336, H.L.(E.)
- Société Nationale Industrielle Aérospatiale v. Lee Kui Jak [1987] A.C. 871; [1987] 3 W.L.R. 59; [1987] 3 All E.R. 510, P.C. **Applied**, *Deaville v. Aeroflot Russian International Airlines* [1997] 2 Lloyd's Rep. 67. **Considered**, *Airbus Industrie GIE v. Patel* [1997] 2 Lloyd's Rep. 8, C.A.
- Society for the Protection of Unborn Children Ireland Ltd. v. Grogan (Case C-159/90) [1991] E.C.R. I-4685, E.C.J. **Applied**, *U. v. W. (Attorney-General Intervening)* [1977] 3 W.L.R. 739
- Soden v. British & Commonwealth Holdings Plc. [1995] 1 B.C.L.C. 686. **Decision of Robert Walker J. affirmed** [1997] 2 W.L.R. 206, C.A.
- Soden v. British & Commonwealth Holdings Plc. [1997] 2 W.L.R. 206; [1996] 3 All E.R. 951, C.A. **Decision of the Court of Appeal affirmed** [1997] 3 W.L.R. 840, H.L.(E.)
- Sofi v. Prudential Assurance Co. Ltd. [1993] 2 Lloyd's Rep. 559, C.A. **Applied**, *Gunns v. Par Insurance Brokers* [1997] 1 Lloyd's Rep. 173
- Sofroniou v. Szgetti [1991] F.C.R. 332, C.A. **Not followed**, *Davy International Ltd. v. Tazzyman* [1997] 1 W.L.R. 1256, C.A.
- Somasundaram v. M. Julius Melchior & Co. [1988] 1 W.L.R. 1394; [1989] 1 All E.R. 129, C.A. **Applied**, *Acton v. Graham Pearce & Co.* [1997] 3 All E.R. 909
- South Carolina Insurance Co. v. Assurantie Maatschappij "De Zeven Provinciën" N.V. [1987] A.C. 24; [1986] 3 W.L.R. 398; [1986] 3 All E.R. 487; [1986] 2 Lloyd's Rep. 317, H.L.(E.). **Considered**, *Airbus Industrie GIE v. Patel* [1997] 2 Lloyd's Rep. 8, C.A.
- South Glamorgan County Council v. Griffiths (1992) 24 H.L.R. 334, C.A. **Considered**, *Berkshire County Council v. Greenfield* (1996) 95 L.G.R. 327, C.A.
- Southern Railway of Peru Ltd. v. Owen [1957] A.C. 334; [1956] 3 W.L.R. 389; [1956] 2 All E.R. 728; 36 T.C. 602, H.L.(E.). **Distinguished**, *Comr. of Income Tax v. Savundranayagam* (1957) 67 T.C. 239, P.C.
- Spijkers v. Gebroeders Benedik Abbattoir C.V. (Case 24/85) [1986] E.C.R. 1119, 1128-1129, para. 13, E.C.J. **Applied**, *Süzen v. Zehnacker Gebäudereinigung G.m.b.H. Krankenhausservice* (Case C-13/95) [1997] I.C.R. 662, E.C.J.
- Spiliada Maritime Corp'n. v. Cansulex Ltd. [1987] A.C. 460; [1986] 3 W.L.R. 972; [1986] 3 All E.R. 843, H.L.(E.). **Considered**, *Connelly v. R.T.Z. Corp'n. Plc.* [1997] 3 W.L.R. 373, H.L.(E.)
- Spurling's Will Trusts, *In re*; Philpot v. Philpot [1966] 1 W.L.R. 920; [1966] 1 All E.R. 745. **Applied**, *Armitage v. Nurse* [1997] 3 W.L.R. 1046, C.A.
- Stanton v. Drayton Commercial Investment Co. Ltd. [1983] 1 A.C. 501; [1982] 3 W.L.R. 214; [1982] 2 All E.R. 942; 55 T.C. 286, H.L.(E.). **Considered**, *Spectros International Plc. v. Madden* (1996) T.C. Leaflet No. 3503
- Steed's Will Trusts, *In re* [1960] Ch. 407; [1960] 2 W.L.R. 474; [1960] 1 All E.R. 487, C.A. **Considered**, *Goulding v. James* [1997] 2 All E.R. 239, C.A.
- Steedman v. Drinkle [1916] 1 A.C. 275, P.C. **Applied**, *Union Eagle Ltd. v. Golden Achievement Ltd.* [1997] A.C. 514; [1997] 2 W.L.R. 341, P.C.
- Stinton v. Stinton [1995] R.T.R. 167, C.A. **Distinguished**, *Hatton v. Hall* [1997] R.T.R. 212, C.A.
- Stoker v. Elwell [1942] Ch. 243; [1942] 1 All E.R. 261. **Applied**, *Ezekiel v. Orakpo* [1997] 1 W.L.R. 340, C.A.
- Strathalmond (Lord) v. Inland Revenue Comrs. [1972] 1 W.L.R. 1511; [1972] 3 All E.R. 715; 48 T.C. 537. **Distinguished**, *Bricom Holdings Ltd. v. Inland Revenue Comrs.* (1997) T.C. Leaflet No. 3534, C.A.
- Strong & Co. of Romsey Ltd. v. Woodfield [1906] A.C. 448, 453, H.L.(E.). **Dictum of Lord Davey applied**, *Comr. of Inland Revenue v. Cosmotron Manufacturing Co. Ltd.* [1997] 1 W.L.R. 1288, P.C.
- Sun Life Assurance Co. of Canada v. Pearson (1986) 59 T.C. 250. **Considered**, *Fawcett v. Special Comrs. and Lancaster Farmers Auction Mart Co. Ltd.* (1996) T.C. Leaflet No. 3508, C.A.
- Süzen v. Zehnacker Gebäudereinigung G.m.b.H. Krankenhausservice (Case C-13/95) [1997] I.C.R. 662; [1997] All E.R. (E.C.) 289, E.C.J. **Applied**, *Betts v. Brintel Helicopters Ltd.* [1997] I.C.R. 792, C.A.

- Swindall v. Osborne (1864) 2 Car. & K. 230. **Considered**, *R. v. Giannetto* [1997] 1 Cr.App.R. 1, C.A.
- Swiss Bank Corpn. v. Novorissiysk Shipping Co. [1995] 1 Lloyd's Rep. 202. **Considered**, *Evergos Naftiki Eteria v. Cargill Plc.* [1997] 1 Lloyd's Rep. 35
- Symphony Group Plc. v. Hodgson [1994] Q.B. 179; [1993] 3 W.L.R. 830; [1993] 4 All E.R. 143, C.A. **Applied**, *Metalloy Supplies Ltd. v. M.A. (U.K.) Ltd.* [1997] 1 W.L.R. 1613, C.A. **Considered**, *Murphy v. Young & Co.'s Brewery Plc.* [1997] 1 W.L.R. 1591, C.A.
- T. v. Secretary of State for the Home Department [1996] A.C. 742; [1996] 2 W.L.R. 766; [1996] 2 All E.R. 865, H.L.(E.). **Considered**, *R. v. Secretary of State for the Home Department, Ex parte Fininvest S.p.A.* [1997] 1 W.L.R. 743, D.C.
- TNT Express (U.K.) Ltd. v. Downes [1994] I.C.R. 1, E.A.T. **Overruled in part**, *Tracey v. Crosville Wales Ltd.* [1997] 3 W.L.R. 800; [1997] I.C.R. 862, H.L.(E.)
- Tai On Machinery Works Ltd. v. Comr. of Inland Revenue [1969] 1 H.K.T.C. 411. **Approved**, *Wharf Properties Ltd. v. Comr. of Inland Revenue* [1997] A.C. 505; [1997] 2 W.L.R. 334, P.C.
- Tay Bok Choon v. Tahansan Sdn. Bhd. [1987] 1 W.L.R. 413, P.C. **Considered**, *A Debtor v. Inland Revenue Comrs.* (1994) 68 T.C. 157
- Taylor v. Oakes Roncoroni & Co. (1922) 127 L.T. 267, 269. **Dictum of Greer J. applied**, *Glencore Grain Rotterdam B.V. v. Lebanese Organisation for International Commerce (Lorico)* [1997] 4 All E.R. 514, C.A.
- Taylor v. Provan [1975] A.C. 194; [1974] 2 W.L.R. 394; [1974] 1 All E.R. 1201; 49 T.C. 579, H.L.(E.). **Applied**, *Miners v. Atkinson* (1995) T.C. Leaflet No. 3500
- Tennant's Application, *In re* [1956] 1 W.L.R. 874; [1956] 2 All E.R. 753, C.A. **Considered**, *In re Landau (A Bankrupt)* [1997] 3 W.L.R. 225
- Thatcher v. The Queen (1987) 39 D.L.R. (4th) 275. **Considered**, *R. v. Giannetto* [1997] 1 Cr.App.R. 1, C.A.
- Thoday v. Thoday [1964] P. 181; [1964] 2 W.L.R. 371; [1964] 1 All E.R. 341, C.A. **Applied**, *In re B. (Minors) (Care Proceedings: Issue Estoppel)* [1997] Fam. 117; [1997] 3 W.L.R. 1
- Thomas v. Brighton Health Authority [1996] P.I.Q.R. Q44. **Decision of Collins J. reversed** [1997] 1 W.L.R. 652, C.A.
- Thompson v. Thompson [1976] Fam. 25, 31-32; [1975] 2 W.L.R. 868; [1975] 2 All E.R. 208, C.A. **Dicta of Ormrod L.J. and Sir John Pennycuik disapproved**, *Jones v. Jones* [1997] Fam. 59; [1997] 2 W.L.R. 373, C.A.
- Thornton v. Kirklees Metropolitan Borough Council [1979] Q.B. 626; [1979] 3 W.L.R. 1; [1979] 2 All E.R. 349, C.A. **Overruled**, *O'Rourke v. Camden London Borough Council* [1997] 3 W.L.R. 86, H.L.(E.)
- Tower Boot Co. Ltd. v. Jones [1995] I.R.L.R. 529, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1997] I.C.R. 254, C.A.
- Tracey v. Crosville Wales Ltd. [1996] I.C.R. 237, C.A. **Decision of the Court of Appeal affirmed** [1997] 3 W.L.R. 800; [1997] I.C.R. 862, H.L.(E.)
- Tradax Internacional S.A. v. Cerrahogullari T.A.S. (The M. Eregli) [1981] 3 All E.R. 344; [1981] 2 Lloyd's Rep. 169. **Applied**, *Halki Shipping Corpn. v. Sopex Oils Ltd.* [1997] 1 W.L.R. 1268
- Trade Indemnity Plc. v. Försäkringsaktiebolaget Njord [1995] 1 All E.R. 796. **Not followed**, *Agnew v. Lansförsäkringsbolagens AB* [1996] 4 All E.R. 978
- Transgrain Shipping Ltd. v. Global Transporte Oceanico S.A. [1990] 1 Lloyd's Rep. 507, C.A. **Distinguished**, *Galaxy Energy International Ltd. v. Novorossiysk Shipping Co.* [1997] 1 Lloyd's Rep. 284
- Triad Shipping Co. v. Stellar Chartering & Brokerage Inc. [1994] 2 Lloyd's Rep. 227, C.A. **Considered**, *L.D. Seals N.V. v. Mitsui Osk Lines Ltd.* [1997] 1 Lloyd's Rep. 42
- Tuck & Sons v. Priestler (1887) 19 Q.B.D. 629, C.A. **Applied**, *McKenzie v. Director of Public Prosecutions* [1997] R.T.R. 175, D.C.
- Turner v. Hancock (1882) 20 Ch.D. 303, C.A. **Distinguished**, *Armitage v. Nurse* [1997] 3 W.L.R. 1046, C.A.
- Turner v. Turner (1978) 122 S.J. 696; Court of Appeal (Civil Division) Transcript No. 634 of 1978, C.A. **Applied**, *Davy International Ltd. v. Tazzyman* [1997] 1 W.L.R. 1256, C.A.
- Tyburn Productions Ltd. v. Conan Doyle [1991] Ch. 75; [1990] 3 W.L.R. 167; [1990] 1 All E.R. 909. **Considered**, *Pearce v. Ove Arup Partnership Ltd.* [1997] Ch. 293; [1997] 2 W.L.R. 779
- U.B.A.F. Bank Ltd. v. Davis [1978] I.R.L.R. 442, E.A.T. **Followed**, *Digital Equipment Co. Ltd. v. Clement's (No. 2)* [1997] I.C.R. 237, E.A.T.
- Udall v. Capri Lighting Ltd. [1988] Q.B. 907; [1987] 3 W.L.R. 465; [1987] 3 All E.R. 262, C.A. **Applied**, *Bentley v. Gaisford* [1997] Q.B. 627; [1997] 2 W.L.R. 401, C.A.
- Union Eagle Ltd. v. Golden Achievement Ltd. [1996] 1 H.K.C. 349. **Decision of the Court of Appeal of Hong Kong affirmed** [1997] A.C. 514; [1997] 2 W.L.R. 341, P.C.

- United States of America (Government of the) v. Bowe [1990] 1 A.C. 500; [1989] 3 W.L.R. 1256; [1989] 3 All E.R. 315, P.C. **Considered**, *R. v. Secretary of State for the Home Department, Ex parte Gilmore* [1997] 2 Cr.App.R. 374, D.C.
- V/O Rasnoimport v. Guthrie & Co. Ltd. [1966] 1 Lloyd's Rep. 1. **Considered**, *Penn v. Bristol & West Building Society* [1997] 1 W.L.R. 1356, C.A.
- Vasquez v. The Queen [1994] 1 W.L.R. 1304; [1994] 3 All E.R. 674, P.C. **Distinguished**, *Culmer v. The Queen* [1997] 1 W.L.R. 1296, P.C.
- Venezolana (C.A.) de Navegacion v. Bank Line Ltd. [1987] 2 Lloyd's Rep. 498. **Considered**, *Andre & Cie S.A. v. Orient Shipping (Rotterdam) B.V.* [1997] 1 Lloyd's Rep. 139.
- Vernon's Will Trusts, *In re* (Note) [1972] Ch. 300; [1971] 3 W.L.R. 786; [1971] 3 All E.R. 1061. **Applied**, *In re ARMS (Multiple Sclerosis Research) Ltd.* [1997] 1 W.L.R. 877.
- Vibroplant Ltd. v. Holland [1982] 1 All E.R. 792; 54 T.C. 658, C.A. **Considered**, *Girobank Plc. v. Clarke* (1996) T.C. Leaflet No. 3477.
- Viho Europe B.V. v. Commission of the European Communities (Case T-102/92) [1995] I.C.R. 1050; [1995] All E.R. (E.C.) 371; [1995] E.C.R. II-17, E.C.J. (C.F.I.). **Decision of the Court of First Instance affirmed** [1997] I.C.R. 130, E.C.J.
- Vestey v. Inland Revenue Comrs. [1980] A.C. 1148; [1979] 3 W.L.R. 915; [1979] 3 All E.R. 976, H.L.(E.). **Applied**, *Inland Revenue Comrs. v. Willoughby* [1997] 1 W.L.R. 1071, H.L.(E.).
- WBSL Realisations 1922 Ltd., *In re* [1995] B.C.C. 1118. **Applied**, *In re Powerstore (Trading) Ltd.* [1997] 1 W.L.R. 1280.
- Walkley v. Precision Forgings Ltd. [1979] 1 W.L.R. 606; [1979] 2 All E.R. 548, H.L.(E.). **Applied**, *Forward v. Hendricks* [1997] 2 All E.R. 395, C.A.
- Walters v. Lunt [1951] 2 All E.R. 645; 35 Cr.App.R. 94, D.C. **Applied**, *Director of Public Prosecutions v. K. and B.* [1997] 1 Cr.App.R. 36, D.C.
- Waters v. Comr. of Police of the Metropolis [1995] I.C.R. 510, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1997] I.C.R. 1073, C.A.
- Watts v. Morrow [1991] 1 W.L.R. 1421; [1991] 4 All E.R. 937, C.A. **Applied**, *Gardner v. Marsh & Parsons* [1997] 1 W.L.R. 489, C.A.
- Webb v. Emo Air Cargo (U.K.) Ltd. (No. 2) [1995] 1 W.L.R. 1454; [1995] I.C.R. 1021; [1995] 4 All E.R. 577, H.L.(E.). **Applied**, *O'Neill v. Governors of St. Thomas More Roman Catholic Voluntarily Aided Upper School* [1997] I.C.R. 33, E.A.T.
- Webb v. Frank Bevis Ltd. [1940] 1 All E.R. 247, C.A. **Considered**, *Elitestone Ltd. v. Morris* [1997] 1 W.L.R. 687, H.L.(E.).
- Webb v. Webb (Case C-294/92) [1994] Q.B. 696; [1994] 3 W.L.R. 801; [1994] 3 All E.R. 911, E.C.J. **Applied**, *Jarrett v. Barclays Bank Plc.* [1997] 3 W.L.R. 654, C.A.
- Webb Distributors (Aust.) Pty. Ltd. v. State of Victoria (1993) 11 A.C.S.R. 731. **Distinguished**, *Soden v. British & Commonwealth Holdings Plc.* [1997] 3 W.L.R. 840, H.L.(E.).
- Wehner v. Dene Shipping Co. [1905] 2 K.B. 92. **Applied**, *Petroleum Shipping Ltd. v. Vatis (trading as Kronos Management)* [1997] 2 Lloyd's Rep. 314.
- Wells v. Wells [1996] P.I.Q.R. Q62. **Decision of Judge David Wilcox sitting as a judge of the Queen's Bench Division reversed** [1997] 1 W.L.R. 652, C.A.
- Werner (Fritz) Industrie-Ausrüstungen G.m.b.H. Federal Republic of Germany (Case C-70/94) [1995] E.C.R. I-3189, 3224, para. 10, E.C.J. **Dicta applied**, *R. v. H.M. Treasury, Ex parte Centro-Com S.r.l.* (Case C-124/95) [1997] Q.B. 683; [1997] 3 W.L.R. 239, E.C.J.
- West London Commercial Bank Ltd. v. Kitson (1883) 12 Q.B.D. 157. **Considered**, *Penn v. Bristol & West Building Society* [1997] 1 W.L.R. 1356, C.A.
- West Wake Price & Co. v. Ching [1957] 1 W.L.R. 45; [1956] 3 All E.R. 821. **Applied**, *Haydon v. Lo & Lo* [1997] 1 W.L.R. 198, P.C.
- Western Fish Products Ltd. v. Penwith District Council [1981] 2 All E.R. 204, C.A. **Applied**, *Lloyds Bank Plc. v. Carrick* [1996] 4 All E.R. 630, C.A.
- Westinghouse Electric Corp'n. Uranium Contract Litigation M.D.L. Docket No. 235 (Nos. 1 and 2), *In re* [1978] A.C. 547; [1978] 2 W.L.R. 81; [1978] 1 All E.R. 434, H.L.(E.). **Distinguished**, *R. v. Secretary of State for the Home Department, Ex parte Fininvest S.p.A.* [1997] 1 W.L.R. 743, D.C.
- Westminster Bank Ltd. v. Inland Revenue Comrs.; Wrightson v. Inland Revenue Comrs. [1958] A.C. 210; [1957] 3 W.L.R. 427; [1957] 2 All E.R. 745, H.L.(E.). **Applied**, *In re Landau (A Bankrupt)* [1997] 3 W.L.R. 225.
- Westminster City Council v. Great Portland Estates Plc. [1985] A.C. 661, 673; [1984] 3 W.L.R. 1035; [1984] 3 All E.R. 744, H.L.(E.). **Dicta of Lord Scarman applied**, *R. v. Westminster City Council, Ex parte Ermakov* (1995) 95 L.G.R. 119, C.A.
- Westminster City Council v. Haywood [1996] 3 W.L.R. 563; [1996] 2 All E.R. 467. **Decision of Robert Walker J. reversed** [1997] 3 W.L.R. 641, C.A.

- Wharf Properties Ltd. v. Comr. of Inland Revenue [1995] 2 H.K.L.R. 552. **Decision of the Court of Appeal of Hong Kong affirmed** [1997] A.C. 505; [1997] 2 W.L.R. 334, P.C.
- Whiston v. Whiston [1995] Fam. 198; [1995] 3 W.L.R. 405, C.A. **Distinguished**, *S.-T. (formerly J.) v. J.* [1997] 3 W.L.R. 1287, C.A.
- White v. Jones [1995] 2 A.C. 207; [1995] 2 W.L.R. 187; [1995] 1 All E.R. 691, H.L.(E.). **Distinguished**, *Carr-Glynn v. Frearsons* [1997] 2 All E.R. 614
- Wilkins v. Hogg (1861) 31 L.J.Ch. 41. **Applied**, *Armitage v. Nurse* [1997] 3 W.L.R. 1046, C.A.
- Williams v. Moss' Empires Ltd. [1915] 3 K.B. 242, D.C. **Approved**, *McCausland v. Duncan Lawrie Ltd.* [1997] 1 W.L.R. 38, C.A.
- Willow Wren Canal Carrying Co. Ltd. v. British Transport Commission [1956] 1 W.L.R. 213; [1956] 1 All E.R. 567. **Distinguished**, *Sparks v. Harland* [1997] 1 W.L.R. 143
- Wills v. Bowley [1983] 1 A.C. 57; [1982] 3 W.L.R. 10; [1982] 2 All E.R. 654, H.L.(E.). **Applied**, *Percy v. Hall* [1997] Q.B. 924; [1997] 3 W.L.R. 573, C.A.
- Wilson v. Church (1879) 11 Ch.D. 576, C.A. **Applied**, *Ketchum International Plc. v. Group Public Relations Holdings Ltd.* [1997] 1 W.L.R. 4, C.A.
- Wimpey International Ltd. v. Warland (1988) 61 T.C. 51, Hoffmann J. and C.A. **Considered**, *Bradley v. London Electricity Plc.* (1996) T.C. Leaflet No. 3491
- Winter v. Lord Anson (1827) 3 Russ. 488. **Applied**, *Barclays Bank Plc. v. Estates & Commercial Ltd.* [1997] 1 W.L.R. 415, C.A.
- Withers v. General Theatre Corpn. Ltd. [1933] 2 K.B. 536, C.A. **Overruled in part**, *Mahmud v. Bank of Credit and Commerce International S.A.* [1997] 3 W.L.R. 95; [1997] I.C.R. 606, H.L.(E.)
- Woodhall (Alice), *Ex parte* (1888) 20 Q.B.D. 832, C.A. **Applied**, *Cuoghi v. Governor of Brixton Prison* [1997] 1 W.L.R. 1346, C.A.
- Woodhall Ltd. v. Pipeline Authority (1979) 141 C.L.R. 443. **Applied**, *Cargill International S.A. Antigua Geneva Branch v. Bangladesh Sugar & Food Industries Corpn.* [1996] 2 Lloyd's Rep. 524
- Woodling, *In re* [1984] 1 W.L.R. 348; [1984] 1 All E.R. 593, H.L.(E.). **Applied**, *Cockburn v. Chief Adjudication Officer* [1997] 1 W.L.R. 799, H.L.(E.)
- Woods v. W.M. Car Services (Peterborough) Ltd. [1981] I.C.R. 666, E.A.T. **Approved**, *Mahmud v. Bank of Credit and Commerce International S.A.* [1997] 3 W.L.R. 95; [1997] I.C.R. 606, H.L.(E.)
- Woolwich Building Society v. Inland Revenue Comrs. (No. 2) [1993] A.C. 70; [1992] 3 W.L.R. 366; [1992] 3 All E.R. 737, H.L.(E.). **Applied**, *British Steel Plc. v. Customs and Excise Comrs.* [1997] 2 All E.R. 366, C.A.
- X (Minors) v. Bedfordshire County Council [1995] 2 A.C. 633; [1994] 2 W.L.R. 554; [1994] 4 All E.R. 602, C.A. **Considered**, *Welton v. North Cornwall District Council* [1997] 1 W.L.R. 570, C.A.
- X (Minors) v. Bedfordshire County Council [1995] 2 A.C. 633; [1995] 3 W.L.R. 152; [1995] 3 All E.R. 353, H.L.(E.). **Considered**, *Barrett v. Enfield London Borough Council* [1997] 3 W.L.R. 628, C.A.
- X (Mrs.) v. Commission of the European Communities (Case C-26/94P) [1994] E.C.R. I-4379, E.C.J. **Applied**, *Viho Europe B.V. v. Commission of the European Communities* (Case C-73/95P) [1997] I.C.R. 130, E.C.J.
- Yagerphone Ltd., *In re* [1935] Ch. 392. **Approved**, *In re Oasis Merchandising Services Ltd.* [1997] 2 W.L.R. 764, C.A.
- Yates v. Gates [1970] 2 Q.B. 27; [1970] 2 W.L.R. 593; [1970] 1 All E.R. 754; [1970] R.T.R. 135, D.C. **Applied**, *Benson v. Boyce* [1997] R.T.R. 226, D.C.
- Z (A Minor) (Identification: Restrictions on Publication), *In re* [1997] Fam. 1; [1996] 2 W.L.R. 88; [1995] 4 All E.R. 961, C.A. **Applied**, *In re T. (A Minor) (Wardship: Medical Treatment)* [1997] 1 W.L.R. 242, C.A.
- ZYX Music G.m.b.H. v. King [1995] 3 All E.R. 1. **Decision of Lightman J. affirmed** [1997] 2 All E.R. 129, C.A.

STATUTES JUDICIALLY CONSIDERED

- 1838 Judgments Act** (1 & 2 Vict. c. 110)
s. 17: *Ross v. Bowbelle (Owners)* [1997] 1 W.L.R. 1159, C.A.
ss. 17, 18: *Electricity Supply Nominees Ltd. v. Farrell* [1997] 1 W.L.R. 1149, C.A.
- 1861 Offences against the Person Act** (24 & 25 Vict. c. 100)
ss. 20, 47 (as amended): *R. v. Ireland* [1997] 3 W.L.R. 534, H.L.(E.)
- 1890 Partnership Act** (53 & 54 Vict. c. 39)
s. 24(1): *Popat v. Shonchhatra* [1997] 1 W.L.R. 1367, C.A.
- 1892 Military Lands Act** (55 & 56 Vict. c. 43)
s. 14(1): *Percy v. Hall* [1997] Q.B. 924; [1997] 3 W.L.R. 573, C.A.
- 1898 Criminal Evidence Act** (61 & 62 Vict. c. 36)
s. 1(f)(iii) (as amended): *Reg. v. Crawford (Charisse)* [1997] 1 W.L.R. 1329, C.A.
- 1906 Marine Insurance Act** (6 Edw. 7, c. 4)
s. 20(5): *Economides v. Commercial Assurance Co. Plc.* [1997] 3 W.L.R. 1066, C.A.
- 1924 Carriage of Goods by Sea Act** (14 & 15 Geo. 5, c. 22)
Sch., art. IV, r. 5: *River Gurara (Owners of cargo lately laden on board) v. Nigerian National Shipping Line Ltd.* [1997] 3 W.L.R. 1128, C.A.
- 1925 Law of Property Act** (15 & 16 Geo. 5, c. 20)
s. 2(1)(ii): *State Bank of India v. Sood* [1997] Ch. 276; [1997] 2 W.L.R. 421
s. 56(1): *Amsprop Trading Ltd. v. Harris Distribution Ltd.* [1997] 1 W.L.R. 1025
s. 91: *Cheltenham and Gloucester Plc. v. Krausz* [1997] 1 W.L.R. 1558, C.A.
- Land Registration Act** (15 & 16 Geo. 5, c. 21)
s. 70(1)(g): *State Bank of India v. Sood* [1997] Ch. 276; [1997] 2 W.L.R. 421
s. 70(1)(k): *Barclays Bank Plc. v. Zaroovabli* [1997] Ch. 321; [1997] 2 W.L.R. 729
- 1933 Children and Young Persons Act** (23 & 24 Geo. 5, c. 12)
ss. 44(1) (as amended), 53(1) (as substituted): *Reg. v. Secretary of State for the Home Department, Ex parte Venables* [1997] 3 W.L.R. 23, H.L.(E.)
s. 53 (as amended): *Reg. v. Secretary of State for the Home Department, Ex parte Venables* [1997] 2 W.L.R. 67, C.A.
s. 56(1) (as amended): *Reg. v. Stratford Youth Court, Ex parte Conde* [1997] 1 W.L.R. 113, D.C.
- 1936 Public Health Act** (c. 49)
ss. 92(1)(a), 94(2), 99: *Issa v. Hackney London Borough Council* [1997] 1 W.L.R. 956, C.A.
- 1947 Fire Services Act** (10 & 11 Geo. 6, c. 41)
ss. 13, 30: *Capital & Counties Plc. v. Hampshire County Council* [1997] Q.B. 1004; [1997] 3 W.L.R. 331, C.A.
- 1948 Companies Act** (c. 38)
Sch. 1, Table A, regs. 98, 99, 106: *Hood Sailmakers Ltd. v. Axford* [1997] 1 W.L.R. 625
- 1949 Wireless Telegraphy Act** (12 & 13 Geo. 6, c. 54)
s. 1(1) (as amended): *Reg. v. Blake* [1997] 1 W.L.R. 1167, C.A.
- 1950 Arbitration Act** (14 Geo. 6, c. 27)
s. 4: *Trustee of the Property of Andrews v. Brock Builders (Kessingland) Ltd.* [1997] Q.B. 674; [1997] 3 W.L.R. 124, C.A.
s. 23: *Turner v. Stevenage Borough Council* [1997] 3 W.L.R. 309, C.A.
- 1952 Prison Act** (15 & 16 Geo. 6 & 1 Eliz. 2, c. 52)
s. 47(1)(5) (as amended): *Reg. v. Secretary of State for the Home Department, Ex parte Hargreaves* [1997] 1 W.L.R. 906, C.A.
- 1954 Landlord and Tenant Act** (2 & 3 Eliz. 2, c. 56)
ss. 23, 24, 27 (as amended): *Esselte A.B. v. Pearl Assurance Plc.* [1997] 1 W.L.R. 891, C.A.
- 1956 Copyright Act** (4 & 5 Eliz. 2, c. 74)
ss. 1(1), 3(5)(a) (as extended): *Canon Kabushiki Kaisha v. Green Cartridge Co. (Hong Kong) Ltd.* [1997] A.C. 728; [1997] 3 W.L.R. 13, P.C.
- 1957 Homicide Act** (5 & 6 Eliz. 2, c. 11)
s. 3: *Reg. v. Acott* [1997] 1 W.L.R. 306, H.L.(E.)
- 1960 Administration of Justice Act** (8 & 9 Eliz. 2, c. 65)
s. 13(3): *Nicholls v. Nicholls* [1997] 1 W.L.R. 314, C.A.
- 1961 Carriage by Air Act** (9 & 10 Eliz. 2, c. 27)
Sch. 1, arts. 17, 18, 19, 29: *Sidhu v. British Airways Plc.* [1997] A.C. 430; [1997] 2 W.L.R. 26, H.L.(E. & Sc.)
- Suicide Act** (9 & 10 Eliz. 2, c. 60)
s. 2(1): *Dunbar v. Plant* [1997] 3 W.L.R. 1261, C.A.
- 1964 Police Act** (c. 48)
s. 48(1): *Farah v. Comr. of Police of the Metropolis* [1997] 2 W.L.R. 824, C.A.
Waters v. Comr. of Police of the Metropolis [1997] I.C.R. 1073, C.A.

- 1967 Criminal Justice Act (c. 80)**
 ss. 67(1)(1A), 104(2) (as amended): *Reg. v. Secretary of State for the Home Department, Ex parte Naughton* [1997] 1 W.L.R. 118, D.C.
Reg. v. Governor of Brockhill Prison, Ex parte Evans [1997] Q.B. 443; [1997] 2 W.L.R. 236, D.C.
- 1968 Criminal Appeal Act (c. 19)**
 s. 2(1): *Reg. v. Mills* [1997] 3 W.L.R. 458, H.L.(E.)
Firearms Act (c. 27)
 s. 16 (as amended): *Reg. v. Jones (Ivor)* [1997] Q.B. 798; [1997] 2 W.L.R. 792, C.A.
Civil Evidence Act (c. 64)
 s. 14(1): *Cobra Golf Inc. v. Rata* [1997] 2 W.L.R. 629
- 1969 Children and Young Persons Act (c. 54)**
 ss. 5(8), 34(2) (as amended) *Reg. v. Marsh (Dwayne)* [1997] 1 W.L.R. 649, C.A.
- 1970 Income and Corporation Taxes Act (c. 10)**
 s. 478(1): *Inland Revenue Comrs. v. McGuckian* [1997] 1 W.L.R. 991, H.L.(N.I.)
Administration of Justice Act (c. 31)
 s. 36 (as amended): *Cheltenham and Gloucester Plc. v. Krausz* [1997] 1 W.L.R. 1558, C.A.
Equal Pay Act (c. 41)
 s. 1(1)(2)(b)(3) (as amended): *Barry v. Midland Bank Plc.* [1997] I.C.R. 192, E.A.T.
 s. 2(4)(5) (as modified): *Preston v. Wolverhampton Healthcare N.H.S.* [1997] I.C.R. 899, C.A.
- Chronically Sick and Disabled Persons Act (c. 44)**
 s. 2(1) (as amended): *Reg. v. Gloucestershire County Council, Ex parte Barry* [1997] A.C. 584; [1997] 2 W.L.R. 459, H.L.(E.)
- 1971 Immigration Act (c. 77)**
 s. 3(8)(9)(a) (as amended): *Reg. v. Secretary of State for the Home Department, Ex parte Obi* [1997] 1 W.L.R. 1498
- 1972 Town and Country Planning (Scotland) Act (c. 52)**
 ss. 18A (as inserted), 52: *City of Edinburgh Council v. Secretary of State for Scotland* [1997] 1 W.L.R. 1447, H.L.(Sc.)
Criminal Justice Act (c. 71)
 s. 36(1): *Attorney-General's Reference (No. 3 of 1994)* [1997] 3 W.L.R. 421, H.L.(E.)
- 1973 Matrimonial Causes Act (c. 18)**
 s. 11(c), s. 25(1) (as amended): *S.-T. (formerly J.) v. J.* [1997] 3 W.L.R. 1287, C.A.
 ss. 23(1), 28(1A), 31(1) (as amended): *G. v. G. (Periodical Payments)* [1997] 2 W.L.R. 614, C.A.
 s. 24(1)(a): *Jones v. Jones* [1997] Fam. 59; [1997] 2 W.L.R. 373, C.A.
- Fair Trading Act (c. 41)**
 ss. 65, 93, 93A (as inserted): *Mid Kent Holdings Plc. v. General Utilities Plc.* [1997] 1 W.L.R. 14
- Domicile and Matrimonial Proceedings Act (c. 45)**
 Sch. 1, para. 9(1)(b): *S. v. S. (Matrimonial Proceedings: Appropriate Forum)* [1997] 1 W.L.R. 1200
- Powers of Criminal Courts Act (c. 62)**
 s. 35(1) (as substituted): *Reg. v. Liverpool Crown Court, Ex parte Cooke* [1997] 1 W.L.R. 700, D.C.
- 1974 Health and Safety at Work etc. Act (c. 37)**
 s. 2(1): *Reg. v. Gateway Foodmarkets Ltd.* [1997] I.C.R. 382, C.A.
 s. 2(1)(2)(a): *Canterbury City Council v. Howletts & Port Lympne Estates Ltd.* [1997] I.C.R. 925
- Consumer Credit Act (c. 39)**
 ss. 56(2), 75: *Jarrett v. Barclays Bank Plc.* [1997] 3 W.L.R. 654, C.A.
- Rehabilitation of Offenders Act (c. 53)**
 ss. 4(1), 7(3): *Thomas v. Comr. of Police of the Metropolis* [1997] Q.B. 813; [1997] 2 W.L.R. 593, C.A.
- 1975 Social Security Act (c. 14)**
 s. 37(1)(5): *Reg. v. Secretary of State for Social Security, Ex parte Sutton (Case C-66/95)* [1997] I.C.R. 961, E.C.J.
- Inheritance (Provision for Family and Dependents) Act (c. 63)**
 ss. 2(4), 3(1)(d): *In re Goodchild, decd.* [1997] 1 W.L.R. 1216, C.A.
- Sex Discrimination Act (c. 65)**
 s. 1(1)(a): *O'Neill v. Governors of St. Thomas More Roman Catholic Voluntarily Aided Upper School* [1997] I.C.R. 33, E.A.T.
 ss. 4(1)(d), 6(2), 41(1): *Waters v. Comr. of Police of the Metropolis* [1997] I.C.R. 1073, C.A.
 s. 7: *Lasertop Ltd. v. Webster* [1997] I.C.R. 828, E.A.T.
 s. 12(1): *National Federation of Self-Employed and Small Businesses Ltd. v. Philpott* [1997] I.C.R. 518, E.A.T.
- 1976 Fatal Accidents Act (c. 30)**
 s. 1(1) (as substituted): *Jameson v. Central Electricity Generating Board* [1997] 3 W.L.R. 151, C.A.

1976 Restrictive Trade Practices Act (c. 34)

- s. 9(3), Sch. 3, para. 2: *Associated Dairies Ltd. v. Baines* [1997] A.C. 524; [1997] 2 W.L.R. 364; [1997] I.C.R. 652, H.L.(E.)

Adoption Act (c. 36)

- s. 6: *In re H. (A Minor) (Adoption: Non-patrilal)* [1997] 1 W.L.R. 791, C.A.
 ss. 6, 15(1)(a): *In re W. (A Minor) (Adoption: Homosexual Adopter)* [1997] 3 W.L.R. 768
 s. 20 (as amended): *In re G. (A Minor) (Adoption: Freeing Order)* [1997] A.C. 613; [1997] 2 W.L.R. 747, H.L.(E.)
 ss. 50(5), 51: *In re L. (Adoption: Disclosure of Information)* [1997] 2 W.L.R. 739, C.A.

Race Relations Act (c. 74)

- s. 1(1)(a): *Glasgow City Council v. Zafar* [1997] 1 W.L.R. 1659, H.L.(Sc.)
 ss. 1(1)(a), 4(2)(c): *Burton v. De Vere Hotels Ltd.* [1997] I.C.R. 1, E.A.T.
 ss. 1(1)(a), 4(2)(c), 32(1): *Jones v. Tower Boot Co. Ltd.* [1997] I.C.R. 254, C.A.
 s. 4(1)(c)(2): *Post Office v. Adekeye* [1997] I.C.R. 110, C.A.
 ss. 11(2)(3), 33: *Diakou v. Islington Unison "A" Branch* [1997] I.C.R. 121, E.A.T.
 ss. 20, 32, 53(1), 57(1): *Farah v. Comr. of Police of the Metropolis* [1997] 2 W.L.R. 824, C.A.
 s. 56: *Chan v. Hackney London Borough Council* [1997] I.C.R. 1014, E.A.T.

1977 Rent Act (c. 42)

- s. 1: *Elitestone Ltd. v. Morris* [1997] 1 W.L.R. 687, H.L.(E.)

1978 Interpretation Act (c. 30)

- s. 7: *Immigration Advisory Service v. Oommen* [1997] I.C.R. 683, E.A.T.

Employment Protection (Consolidation) Act (c. 44)

- ss. 33, 45(1), 47(1)(5), 55, 56 (as amended): *Kwik Save Stores Ltd. v. Greaves* [1997] I.C.R. 629, E.A.T.
 s. 49(1)(4) (as amended): *Brown v. Chief Adjudication Officer* [1997] I.C.R. 266, C.A.
 ss. 55(2)(b), 81(2)(b), Sch. 13, para. 9(1)(b): *Pfaffinger v. City of Liverpool Community College* [1997] I.C.R. 142, E.A.T.
 s. 57(3) (as amended): *Boys and Girls Welfare Society v. Macdonald* [1997] I.C.R. 693, E.A.T.
Hackney London Borough Council v. Usher [1997] I.C.R. 705, E.A.T.
 ss. 59(b), 81(2)(b): *Ball v. Balfour Kilpatrick Ltd.* [1997] I.C.R. 740, E.A.T.
 s. 60A (as inserted): *Mennell v. Newell & Wright (Transport Contractors) Ltd.* [1997] I.C.R. 1039, C.A.
 ss. 62 (as amended), 73(7B) (as inserted), 74(6): *Tracey v. Crosville Wales Ltd.* [1997] 3 W.L.R. 800; [1997] I.C.R. 862, H.L.(E.)
 s. 64(1)(a) (as amended): *Reg. v. Secretary of State for Employment, Ex parte Seymour-Smith* [1997] 1 W.L.R. 473; [1997] I.C.R. 371, H.L.(E.)
M.R.S. Environmental Services Ltd. v. Marsh [1997] I.C.R. 995, C.A.
 s. 74: *Digital Equipment Co. Ltd. v. Clements (No. 2)* [1997] I.C.R. 237, E.A.T.
 s. 74(1)(4): *Rubenstein v. McGloughlin* [1997] I.C.R. 318, E.A.T.
 s. 81(2)(b): *Safeway Stores Plc. v. Burrell* [1997] I.C.R. 523, E.A.T.
 ss. 83(2), 84: *East Suffolk Local Health Services N.H.S. Trust v. Palmer* [1997] I.C.R. 425, E.A.T.
 s. 84(1)(4): *Jones v. Governing Body of Burdett Coutts School* [1997] I.C.R. 390, E.A.T.
 s. 122 (as amended): *Secretary of State for Employment v. Mann* [1997] I.C.R. 209, C.A.
 ss. 122, 153(1): *McMeechan v. Secretary of State for Employment* [1997] I.C.R. 549, C.A.
 s. 122 (as amended), Sch. 3, para. 2(1)(b): *Clark v. Secretary of State for Employment* [1997] I.C.R. 64, C.A.
 s. 122(1): *Secretary of State for Trade and Industry v. Cook* [1997] I.C.R. 288, E.A.T.
 s. 122(1) (as amended): *Secretary of State for Employment v. Wilson* [1997] I.C.R. 408, E.A.T.
 ss. 122(1), 127(1) (as amended): *Secretary of State for Trade and Industry v. Forde* [1997] I.C.R. 231, E.A.T.
 s. 131(2): *Sarker v. South Tees Acute Hospitals N.H.S. Trust* [1997] I.C.R. 673, E.A.T.
 ss. 137(2), 141(2): *Addison v. Denholm Ship Management (U.K.) Ltd.* [1997] I.C.R. 770, E.A.T.(Sc.)
 s. 140(1)(2)(fa) (as inserted): *Carter v. Reiner Moritz Associates Ltd.* [1997] I.C.R. 881, E.A.T.
 Sch. 9, para. 1(4A) (as inserted): *Fry v. Foreign and Commonwealth Office* [1997] I.C.R. 512, E.A.T.

Civil Liability (Contribution) Act (c. 47)

- ss. 1, 7: *Jameson v. Central Electricity Generating Board* [1997] 3 W.L.R. 151, C.A.

1979 Capital Gains Tax Act (c. 14)

- s. 54(1): *Figg v. Clarke* [1997] 1 W.L.R. 603

Sale of Goods Act (c. 54)

- s. 53(3): *Bence Graphics International Ltd. v. Fasson U.K. Ltd.* [1997] 3 W.L.R. 205, C.A.

1980 Magistrates' Courts Act (c. 43)

- s. 82(3) (as amended): *Reg. v. Grimsby and Cleethorpes Justices, Ex parte Walters* [1997] 1 W.L.R. 89, D.C.
- s. 108: *Reg. v. Peterborough Magistrates' Court, Ex parte Dowler* [1997] Q.B. 911; [1997] 2 W.L.R. 843, D.C.
- s. 111(1): *Reg. v. Bristol Justices, Ex parte Hodge* [1997] Q.B. 974; [1997] 2 W.L.R. 756

Limitation Act (c. 58)

- ss. 20(5), 24(2): *Ezekiel v. Orakpo* [1997] 1 W.L.R. 340, C.A.
- s. 24(1): *In re A Debtor* (No. 50A-SD-1995) [1997] Ch. 310; [1997] 2 W.L.R. 57
- s. 32A (as inserted): *C. v. Mirror Group Newspapers* [1997] 1 W.L.R. 131, C.A.
- ss. 33(3)(a): *Coad v. Cornwall and Isles of Scilly Health Authority* [1997] 1 W.L.R. 189, C.A.

1981 Supreme Court Act (c. 54)

- s. 9: *Reg. v. Lord Chancellor, Ex parte Maxwell* [1997] 1 W.L.R. 104, D.C.
- s. 18(1)(a): *Cuoghi v. Governor of Brixton Prison* [1997] 1 W.L.R. 1346, C.A.
- s. 18(1)(c): *Ex parte Austintel Ltd.* [1997] 1 W.L.R. 616, C.A.
- s. 31(6)(7): *Reg. v. Criminal Injuries Compensation Board, Ex parte A.* [1997] 3 W.L.R. 776, C.A.
- s. 51(1): *Murphy v. Young & Co.'s Brewery Plc.* [1997] 1 W.L.R. 1591, C.A.
- s. 51(6)(7) (as substituted): *Reg. v. Camden London Borough Council, Ex parte Martin* [1997] 1 W.L.R. 359
- s. 72: *Cobra Golf Inc. v. Rata* [1997] 2 W.L.R. 629

1982 Civil Jurisdiction and Judgments Act (c. 27)

- s. 16, Sch. 4, arts. 2, 5(1)(3): *Kleinwort Benson Ltd. v. Glasgow City Council* [1997] 3 W.L.R. 923, H.L.(E.)
- s. 25 (as amended): *Crédit Suisse Fides Trust S.A. v. Cuoghi* [1997] 3 W.L.R. 871, C.A.
- s. 34: *Republic of India v. India Steamship Co. Ltd.* (No. 2) [1997] 2 W.L.R. 538, C.A.; [1997] 3 W.L.R. 818, H.L.(E.)
- Sch. 1, arts. 2, 5(1)(3) (as substituted): *Source Ltd. v. T.U.V. Rheinland Holding A.G.* [1997] 3 W.L.R. 365, C.A.
- Sch. 1, arts. 2, 5(3), 21, 22 (as substituted): *Mecklermedia Corp'n. v. D.C. Congress G.m.b.H.* [1997] 3 W.L.R. 479
- Sch. 1, art. 5(1): *Boss Group Ltd. v. Boss France S.A.* [1997] 1 W.L.R. 351, C.A.
- Sch. 1, art. 6(1) (as substituted): *Pearce v. Ove Arup Partnership Ltd.* [1997] Ch. 293; [1997] 2 W.L.R. 779
- Sch. 1, art. 16(1) (as amended): *Jarrett v. Barclays Bank Plc.* [1997] 3 W.L.R. 654, C.A.
- Sch. 1, art. 22: *Sarrio S.A. v. Kuwait Investment Authority* [1997] 3 W.L.R. 1143, H.L.(E.)

Forfeiture Act (c. 34)

- s. 2(1): *Dunbar v. Plant* [1997] 3 W.L.R. 1261, C.A.

Insurance Companies Act (c. 50)

- ss. 2, 14: *Reg. v. Wilson (Rupert)* [1997] 1 W.L.R. 1247, C.A.

1983 Health and Social Services and social Security Adjudications Act (c. 41)

- s. 17: *Avon County Council v. Hooper* [1997] 1 W.L.R. 1605, C.A.

1984 Prevention of Terrorism (Temporary Provisions) Act (c. 8)

- s. 12(1)(b): *O'Hara v. Chief Constable of the Royal Ulster Constabulary* [1997] A.C. 286; [1997] 3 W.L.R. 1, H.L.(N.I.)

Police and Criminal Evidence Act (c. 60)

- ss. 15, 23: *Reg. v. South Western Magistrates' Court, Ex parte Cofie* [1997] 1 W.L.R. 885, D.C.
- s. 69(1): *Director of Public Prosecutions v. McKeown* [1997] 1 W.L.R. 295, H.L.(E.)
- ss. 69(1), 78(1): *Reg. v. Governor of Brixton Prison, Ex parte Levin* [1997] A.C. 741; [1997] 3 W.L.R. 117, H.L.(E.)

1985 Companies Act (c. 6)

- s. 196(1)(2) (as substituted): *In re H. & K. Medway Ltd.* [1997] 1 W.L.R. 1422
- ss. 320, 322(3)(b): *In re Duckwari Plc.* [1997] Ch. 201; [1997] 2 W.L.R. 48
- ss. 736, 736A (as substituted): *Michaels v. Harley House (Marylebone) Ltd.* [1997] 1 W.L.R. 967

Prosecution of Offences Act (c. 23)

- s. 22: *Olotu v. Home Office* [1997] 1 W.L.R. 328, C.A.

Interception of Communications Act (c. 56)

- ss. 1(2)(b), 9(1): *Reg. v. Rasool* [1997] 1 W.L.R. 1092, C.A.

Child Abduction and Custody Act (c. 60)

- ss. 1(2), 12(2), 23(2), Sch. 1, arts. 3, 5, Sch. 2, arts. 1(d), 12: *In re S. (A Minor) (Custody: Habitual Residence)* [1997] 3 W.L.R. 597, H.L.(E.)
- Sch. 1, arts. 3, 5: *S. v. H. (Abduction: Access Rights)* [1997] 3 W.L.R. 1086
- Sch. 1, art. 13: *In re P. (A Minor) (Child Abduction: Non-Convention Country)* [1997] Fam. 45; [1997] 2 W.L.R. 223, C.A.
- Sch. 1, art. 13(a): *In re H. (Minors) (Abduction: Acquiescence)* [1997] 2 W.L.R. 563, H.L.(E.)

Transport Act (c. 67)

- s. 93: *Atkins v. Wrekin District Council* (Case C-228/94) [1997] I.C.R. 75, E.C.J.

- 1985 Housing Act (c. 68)**
s. 63(1): *O'Rourke v. Camden London Borough Council* [1997] 3 W.L.R. 86, H.L.(E.)
- 1986 Drug Trafficking Offences Act (c. 32)**
s. 2(2)(3): *Reg. v. Clark (Paul)* [1997] 1 W.L.R. 557, C.A.
s. 3(1): *Reg. v. Emmett* [1997] 3 W.L.R. 1119, H.L.(E.)
- Public Order Act (c. 33)**
ss. 14A, 14B(2) (as inserted): *Director of Public Prosecutions v. Jones (Margaret)* [1997] 2 W.L.R. 578, D.C.
- Insolvency Act (c. 45)**
ss. 14(1)(3), 18(3), Sch. 1, para. 13: *In re Powerstore (Trading) Ltd.* [1997] 1 W.L.R. 1280
s. 40(1)(2): *In re H. & K. Medway Ltd.* [1997] 1 W.L.R. 1422
ss. 74(2)(f), 411, Sch. 8, paras. 12, 13: *Soden v. British & Commonwealth Holdings Plc.* [1997] 2 W.L.R. 206, C.A.; [1997] 3 W.L.R. 840, H.L.(E.)
s. 178(6): *In re Park Air Services Plc.* [1997] 1 W.L.R. 1376, C.A.
s. 214, Sch. 4, paras. 6, 13: *In re Oasis Merchandising Services Ltd.* [1997] 2 W.L.R. 764, C.A.
s. 260(2)(b): *Johnson v. Davies* [1997] 1 W.L.R. 1511
ss. 285(3), 383(2): *Razzaq v. Pala* [1997] 1 W.L.R. 1336
ss. 306, 310(7): *In re Landau (A Bankrupt)* [1997] 3 W.L.R. 225
- Company Directors Disqualification Act (c. 46)**
s. 6(1): *Secretary of State for Trade and Industry v. Taylor* [1997] 1 W.L.R. 407
ss. 6, 8: *In re Blackspur Group Plc.* [1997] 1 W.L.R. 710
s. 7: *Secretary of State for Trade and Industry v. Ashcroft* [1997] 3 W.L.R. 319, C.A.
- Legal Aid (Scotland) Act (c. 47)**
s. 19(1) (as amended): *Herd v. Clyde Helicopters Ltd.* [1997] A.C. 534; [1997] 2 W.L.R. 380, H.L.(Sc.)
- Wages Act (c. 48)**
s. 1(1): *Ali v. Christian Salvesen Food Services Ltd.* [1997] I.C.R. 25, C.A.
ss. 1(1), 5(1): *Mennell v. Newell & Wright (Transport Contractors) Ltd.* [1997] I.C.R. 1039, C.A.
ss. 16, 17: *Nerva v. R.L. & G. Ltd.* [1997] I.C.R. 11, C.A.
- Family Law Act (c. 55)**
ss. 2(3)(a) (as substituted), 3(1)(a): *In re S. (A Minor) (Custody: Habitual Residence)* [1997] 3 W.L.R. 597, H.L.(E.)
- 1987 Banking Act (c. 22)**
ss. 41(1), 82, 85(1)(d)(f): *Bank of Credit and Commerce International (Overseas) Ltd. v. Price Waterhouse (No. 2)* [1997] 3 W.L.R. 849
- Landlord and Tenant Act (c. 31)**
s. 4: *Michaels v. Harley House (Marylebone) Ltd.* [1997] 1 W.L.R. 967
- Criminal Justice Act (c. 38)**
s. 2(1B)(3)(4) (as amended): *Reg. v. Secretary of State for the Home Department, Ex parte Fininvest S.p.A.* [1997] 1 W.L.R. 743, D.C.
- 1988 Income and Corporation Taxes Act (c. 1)**
ss. 739(1)(2), 741(a): *Inland Revenue Comrs. v. Willoughby* [1997] 1 W.L.R. 1071, H.L.(E.)
- Criminal Justice Act (c. 33)**
s. 40(1): *Reg. v. Smith (Brian)* [1997] Q.B. 836; [1997] 2 W.L.R. 588, C.A.
s. 93H (as inserted): *Reg. v. Guildford Crown Court, Ex parte Director of Public Prosecutions* [1997] 2 W.L.R. 936, D.C.
- Legal Aid Act (c. 34)**
s. 16: *Parkes v. Legal Aid Board* [1997] 1 W.L.R. 1547, C.A.
s. 31(1)(b): *Connelly v. R.T.Z. Corpn. Plc.* [1997] 3 W.L.R. 373, H.L.(E.)
- Copyright, Designs and Patents Act (c. 48)**
ss. 68, 135C(1) (as inserted): *Phonographic Performance Ltd. v. A.E.I. Rediffusion Music Ltd.* [1997] 3 W.L.R. 982
- Housing Act (c. 50)**
s. 14(1), Sch. 1, para. 2: *Reg. v. London Rent Assessment Panel, Ex parte Cadogan Estates Ltd.* [1997] 3 W.L.R. 833
- Road Traffic Act (c. 52)**
s. 5(1): *Director of Public Prosecutions v. H.* [1997] 1 W.L.R. 1406, D.C.
s. 192: *Clarke v. Kato* [1997] 1 W.L.R. 208, C.A.
Cutter v. Eagle Star Insurance Co. Ltd. [1997] 1 W.L.R. 1082, C.A.
- 1989 Prevention of Terrorism (Temporary Provisions) Act (c. 4)**
s. 14: *Reg. v. Chief Constable of the Royal Ulster Constabulary, Ex parte Begley* [1997] 1 W.L.R. 1475, H.L.(N.I.)
- Extradition Act (c. 33)**
ss. 6(4), 12(1): *Reg. v. Secretary of State for the Home Department, Ex parte Launder* [1997] 1 W.L.R. 839, H.L.(E.)
s. 9(2), Sch. 1, para. 6(1): *Reg. v. Governor of Brixton Prison, Ex parte Levin* [1997] A.C. 741; [1997] 3 W.L.R. 117, H.L.(E.)
s. 11(3): *Cuoghi v. Governor of Brixton Prison* [1997] 1 W.L.R. 1346, C.A.

- 1989 Law of Property (Miscellaneous Provisions) Act (c. 34)**
 s. 2: *McCausland v. Duncan Lawrie Ltd.* [1997] 1 W.L.R. 38, C.A.
- Children Act (c. 41)**
 ss. 34(4)(9), 91(17): *In re T. (Minors) (Termination of Contact: Discharge of Order)* [1997] 1 W.L.R. 393, C.A.
 s. 98: *In re C. (A Minor) (Care Proceedings: Disclosure)* [1997] Fam. 76; [1997] 2 W.L.R. 322, C.A.
 Pts. IV, V: *In re M. (A Minor) (Care Order: Jurisdiction)* [1997] Fam. 67; [1997] 2 W.L.R. 314
- 1990 Criminal Justice (International Co-operation) Act (c. 5)**
 s. 3: *Cuoghi v. Governor of Brixton Prison* [1997] 1 W.L.R. 1346, C.A.
 s. 4(2A) (as inserted): *Reg. v. Secretary of State for the Home Department, Ex parte Fininvest S.p.A.* [1997] 1 W.L.R. 743, D.C.
- Town and Country Planning Act (c. 8)**
 s. 179(1): *Reg. v. Wicks* [1997] 2 W.L.R. 876, H.L.(E.)
 s. 336(1): *Shimizu (U.K.) Ltd. v. Westminster City Council* [1997] 1 W.L.R. 168, H.L.(E.)
- Planning (Listed Buildings and Conservation Areas) Act (c. 9)**
 ss. 1(5), 27(1)(a): *Shimizu (U.K.) Ltd. v. Westminster City Council* [1997] 1 W.L.R. 168, H.L.(E.)
- Human Fertilisation and Embryology Act (c. 37)**
 ss. 4, 24, Sch. 3, paras. 1, 3, 5: *Reg. v. Human Fertilisation and Embryology Authority, Ex parte Blood* [1997] 2 W.L.R. 806, C.A.
 s. 28(3): *U. v. W. (Attorney-General Intervening)* [1997] 3 W.L.R. 739
- Broadcasting Act (c. 42)**
 s. 92(2)(a)(i): *Reg. v. Radio Authority, Ex parte Bull* [1997] 3 W.L.R. 1094, C.A.
- Environmental Protection Act (c. 43)**
 s. 82(2): *Reg. v. Liverpool Crown Court, Ex parte Cooke* [1997] 1 W.L.R. 700, D.C.
- 1991 Criminal Justice Act (c. 53)**
 ss. 35(2)(3), 43: *Reg. v. Secretary of State for the Home Department, Ex parte Venables* [1997] 2 W.L.R. 67, C.A.; [1997] 3 W.L.R. 23, H.L.(E.)
 s. 40 (as amended): *Reg. v. Harrow Justices, Ex parte Jordan* [1997] 1 W.L.R. 84, D.C.
 ss. 41, 51(2): *Reg. v. Governor of Brockhill Prison, Ex parte Evans* [1997] Q.B. 443; [1997] 2 W.L.R. 236, D.C.
- 1992 Social Security Contributions and Benefits Act (c. 4)**
 ss. 64(2)(a), 72(1)(b)(i): *Cockburn v. Chief Adjudication Officer* [1997] 1 W.L.R. 799, H.L.(E.)
 s. 82(1): *McCafferey v. Datta* [1997] 1 W.L.R. 870, C.A.
 ss. 135(1)(2), 137(2)(a), 175(3)(a): *Reg. v. Secretary of State for Social Security, Ex parte Joint Council for the Welfare of Immigrants* [1997] 1 W.L.R. 275, C.A.
 ss. 151(1), 153(1)(2): *Brown v. Chief Adjudication Officer* [1997] I.C.R. 266, C.A.
- Trade Union and Labour Relations (Consolidation) Act (c. 52)**
 s. 65(2)(a): *Knowles v. Fire Brigades Union* [1997] I.C.R. 595, C.A.
 s. 149(2): *Cleveland Ambulance N.H.S. Trust v. Blane* [1997] I.C.R. 851, E.A.T.
 s. 189, 190(3): *Secretary of State for Employment v. Mann* [1997] I.C.R. 209, C.A.
- 1993 Asylum and Immigration Appeals Act (c. 23)**
 s. 8(1): *Reg. v. Secretary of State for the Home Department, Ex parte Robinson* [1997] 3 W.L.R. 1162, C.A.
- Education Act (c. 35)**
 s. 298(1)(7): *Reg. v. East Sussex County Council, Ex parte Tandy* [1997] 3 W.L.R. 884, C.A.
- Pension Schemes Act (c. 48)**
 ss. 146(1)(2), 151(2): *Westminster City Council v. Haywood* [1997] 3 W.L.R. 641, C.A.
- 1994 Criminal Justice and Public Order Act (c. 33)**
 s. 34: *Reg. v. Condron (William)* [1997] 1 W.L.R. 827, C.A.
 s. 35(1)(b): *Reg. v. Friend* [1997] 1 W.L.R. 1433, C.A.
- 1995 Merchant Shipping Act (c. 21)**
 s. 224(1)(2), Sch. 11, art. 14: *Semco Salvage and Marine Pte. Ltd. v. Lancer Navigation Co. Ltd.* [1997] A.C. 455; [1997] 2 W.L.R. 298, H.L.(E.)
- Civil Evidence Act (c. 38)**
 s. 10: *Wells v. Wells* [1997] 1 W.L.R. 652, C.A.
- Asylum and Immigration Act (c. 49)**
 s. 2: *Reg. v. Secretary of State for the Home Department, Ex parte Canbolat* [1997] 1 W.L.R. 1569, C.A.
- 1996 Employment Rights Act (c. 18)**
 s. 82: *Halfpenny v. IGE Medical Systems Ltd.* [1997] I.C.R. 1007, E.A.T.
 ss. 95(1), 197(1): *London Underground Ltd. v. Fitzgerald* [1997] I.C.R. 271, E.A.T.
 s. 197(3)(5): *Housing Services Agency v. Cragg* [1997] I.C.R. 1050, E.A.T.

1996 Arbitration Act (c. 23)

s. 9(1)(4): *Halki Shipping Corpn. v. Sopex Oils Ltd.* [1997] 1 W.L.R. 1268

Damages Act (c. 48)

s. 1: *Wells v. Wells* [1997] 1 W.L.R. 652, C.A.

STATUTORY INSTRUMENTS, ETC., JUDICIALLY CONSIDERED

R.S.C.

- Ord. 2, r. 1; Ord. 11, r.1(1)(c): Kuwait Oil Tanker Co. S.A.K. v. Al Bader [1997] 1 W.L.R. 1410, C.A.
 Ord. 10, r. 1(2)(b); Ord. 81, r. 3(1)(a): Robertson v. Banham & Co. [1997] 1 W.L.R. 446, C.A.
 Ord. 11, rr. 1, 9(4): Union Bank of Finland Ltd. v. Lelakis [1997] 1 W.L.R. 590, C.A.
 Ord. 13, r. 9: Mullen v. Conoco Ltd. [1997] 3 W.L.R. 1032, C.A.
 Ord. 15, r. 14(3): *Ex parte* Austintel Ltd. [1997] 1 W.L.R. 616, C.A.
 rr. 2, 3, 5(2); Ord. 81, r. 1: Ernst & Young v. Butte Mining Plc. (No. 2) [1997] 1 W.L.R. 1485
 Ord. 18, r. 19(1): Sparks v. Harland [1997] 1 W.L.R. 143
 Ord. 22, r. 5: Braben v. EMAP Images Ltd. [1997] 1 W.L.R. 1507
 Ord. 24, r. 1: Vernon v. Bosley (No. 2) [1997] 3 W.L.R. 683, C.A.
 r. 13: Wallace Smith Trust Co. Ltd. v. Deloitte Haskins & Sells [1997] 1 W.L.R. 257, C.A.
 Ord. 32, r. 5: Hytec Information Systems Ltd. v. Coventry City Council [1997] 1 W.L.R. 1666, C.A.
 Ord. 38, r. 13: Canada Trust Co. v. Stolzenberg [1997] 1 W.L.R. 1582, C.A.
 Ord. 42, r. 3: Nykredit Mortgage Bank Plc. v. Edward Erdman Group Ltd. (No. 2) [1997] 1 W.L.R. 1627, H.L.(E.)
 Ord. 45, r. 7(7): Davy International Ltd. v. Tazzyman [1997] 1 W.L.R. 1256, C.A.
 Ord. 53, r. 3(2): Reg. v. Camden London Borough Council, *Ex parte* Martin [1997] 1 W.L.R. 359
 r. 4: Reg. v. Criminal Injuries Compensation Board, *Ex parte* A. [1997] 3 W.L.R. 776, C.A.
 Ord. 59, rr. 9(3)(4), 14(1A): Practice Direction (Court of Appeal: Skeleton Arguments and Case Management) [1997] 1 W.L.R. 1535, C.A.
 Ord. 62, rr. 1(4), 27(1): Ross v. Bowbelle (Owners) [1997] 1 W.L.R. 1159, C.A.
 r. 3(2): Penn v. Bristol & West Building Society [1997] 1 W.L.R. 1356, C.A.
 r. 3(3): McCafferey v. Datta [1997] 1 W.L.R. 870, C.A.
 rr. 27(2), 29(6)(a), 33–35, App. A: Practice Direction (Commercial Court: Costs) [1997] 1 W.L.R. 1198
 rr. 31, 33, 34: Bromsgrove Medical Products Ltd. v. Edgar Vaughan & Co. Ltd. [1997] 1 W.L.R. 1188
 Ord. 73: Practice Note (Arbitration: New Procedure) [1997] 1 W.L.R. 391
Carriage by Air Acts (Application of Provisions) Order 1967 (S.I. 1967 No. 480)
 Sch. 1, arts. 17, 22, 24(2): Herd v. Clyde Helicopters Ltd. [1997] A.C. 534; [1997] 2 W.L.R. 380, H.L.(Sc.)
Civil Legal Aid (General) Regulations 1989 (S.I. 1989 No. 339)
 reg. 130: Wraith v. Wraith [1997] 1 W.L.R. 1540, C.A.
Coroners Rules 1984 (S.I. 1984 No. 552)
 r. 9: Dobson v. North Tyneside Health Authority [1997] 1 W.L.R. 596, C.A.
County Court Rules 1981 (S.I. 1981 No. 1687 (L.20))
 Ord. 17, r. 11 (as substituted): Perry v. Wong [1997] 1 W.L.R. 381, C.A.
 Ord. 29, r. 1 (as amended): Nicholls v. Nicholls [1997] 1 W.L.R. 314, C.A.
 Ord. 38, r. 24(4)(6): Kavarindrasingh v. White [1997] 1 W.L.R. 785, C.A.
Criminal Injuries Compensation Scheme 1964 (1990 rev.)
 para. 24(c): Reg. v. Criminal Injuries Compensation Board, *Ex parte* Dickson [1997] 1 W.L.R. 58, C.A.
Family Proceedings Rules 1991 (S.I. 1991 No. 1247 (L.20))
 rr. 2.70–2.77 (as inserted): Practice Direction (Family Proceedings: Financial Dispute Resolution) [1997] 1 W.L.R. 1069
 r. 4.23: *In re* C. (A Minor) (Care Proceedings: Disclosure) [1997] Fam. 76; [1997] 2 W.L.R. 322, C.A.
 rr. 10.15(6), 10.20(3): S. v. S. (Judgement in Chambers: Disclosure) [1997] 1 W.L.R. 1621
H.M.S. Forest Moor and Menwith Hill Station Byelaws 1986 (S.I. 1986 No. 481)
 Percy v. Hall [1997] Q.B. 924; [1997] 3 W.L.R. 573, C.A.
House of Lords (Practice Directions applicable to Civil Appeals) (1996)
 dir. 4.17: Practice Direction (House of Lords: Civil Procedure Amendment) [1997] 1 W.L.R. 167, H.L.
Income Support (General) Regulations 1987 (S.I. 1987 No. 1967)
 reg. 21(3)(h): Chief Adjudication Officer v. Wolke [1997] 1 W.L.R. 1640, H.L.(E.)
Industrial Tribunals (Constitution and Rules of Procedure) Regulations 1993 (S.I. 1993 No. 2687)
 Sch. 1, r. 3: Kwik Save Stores Ltd. v. Swain [1997] I.C.R. 49, E.A.T.
 Sch. 1, rr. 6, 13(8): Tsangacos v. Amalgamated Chemicals Ltd. [1997] I.C.R. 154, E.A.T.
 Sch. 1, rr. 7, 15: Immigration Advisory Service v. Oommen [1997] I.C.R. 683, E.A.T.

- Industrial Tribunals (Extension of Jurisdiction) (England and Wales) Order 1994** (S.I. 1994 No. 1623)
art. 3(c): *Sarker v. South Tees Acute Hospitals N.H.S. Trust* [1997] I.C.R. 673, E.A.T.
- Insolvency Rules 1986** (S.I. 1986 No. 1925)
r. 4.90: *In re Bank of Credit and Commerce International S.A.* (No. 10) [1997] Ch. 213; [1997] 2 W.L.R. 172
In re Bank of Credit and Commerce International S.A. (No. 8) [1997] 3 W.L.R. 909, H.L.(E.)
Secretary of State for Employment v. *Wilson* [1997] I.C.R. 408, E.A.T.
r. 5.17(1): *In re A Debtor* (No. 400-IO-1996) [1997] 1 W.L.R. 1319
r. 7.28: *Ex parte Austintel Ltd.* [1997] 1 W.L.R. 616, C.A.
r. 11.13: *In re Park Air Services Plc.* [1997] 1 W.L.R. 1376, C.A.
r. 13.12: *Soden v. British & Commonwealth Holdings Plc.* [1997] 2 W.L.R. 206, C.A.
- Jamaica (Constitution) Order in Council 1962** (S.I. 1962 No. 1550)
Sch. 2, ss. 18(1), 19(1): *Attorney-General of Jamaica v. Williams* [1997] 3 W.L.R. 389, P.C.
Sch. 2, s. 110(3)(5): *Williams (Kervin) v. The Queen* [1997] A.C. 624; [1997] 2 W.L.R. 910, P.C.
- Magistrates' Courts Rules 1981** (S.I. 1981 No. 552 (L.1))
r. 44(1) (as amended): *Reg. v. Bristol Justices, Ex parte Hodge* [1997] Q.B. 974; [1997] 2 W.L.R. 756
- Prosecution of Offences (Custody Time Limits) Regulations 1987** (S.I. 1987 No. 299)
regs. 5, 6 (as amended): *Olotu v. Home Office* [1997] 1 W.L.R. 328, C.A.
- Saint Vincent Constitution Order 1979** (S.I. 1979 No. 916)
Sch. 1, ss. 33(1)(3)(a)(4), 36(1), 96(1)(5)(7): *Russell v. Attorney-General for Saint Vincent and the Grenadines* [1997] 1 W.L.R. 1134, P.C.
- Social Security (Persons from Abroad) Miscellaneous Amendments Regulations 1996** (S.I. 1996 No. 30)
reg. 8: *Reg. v. Secretary of State for Social Security, Ex parte Joint Council for the Welfare of Immigrants* [1997] 1 W.L.R. 275, C.A.
- Supreme Court Fees (Amendment) Order 1996** (S.I. 1996 No. 3191)
Practice Note (Taxation: Fees) [1997] 1 W.L.R. 218
- Transfer of Undertakings (Protection of Employment) Regulations 1981** (S.I. 1981 No. 1794)
regs. 2(1), 3(1): *Governing Body of Clifton Middle School v. Askew* [1997] I.C.R. 808, E.A.T.
regs. 2(2), 3(1): *Addison v. Denholm Ship Management (U.K.) Ltd.* [1997] I.C.R. 770, E.A.T.(Sc.)
reg. 3(1): *Betts v. Brintel Helicopters Ltd.* [1997] I.C.R. 792, C.A.
reg. 5: *Tsangacos v. Amalgamated Chemicals Ltd.* [1997] I.C.R. 154, E.A.T.
reg. 5(1)(2)(4A) (as amended): *Secretary of State for Trade and Industry v. Cook* [1997] I.C.R. 288, E.A.T.
reg. 5(2)(4B) (as inserted): *P. & O. Property Holdings Ltd. v. Allen* [1997] I.C.R. 436, E.A.T.
reg. 7: *Adams v. Lancashire County Council* [1997] I.C.R. 834, C.A.
reg. 8(1): *M.R.S. Environmental Services Ltd. v. Marsh* [1997] I.C.R. 995, C.A.

STANDARD FORMS OF CONTRACT JUDICIALLY CONSIDERED

National Conditions of Sale (20th ed.)

cond. 9: *Urban Manor Ltd. v. Sadiq* [1997] 1 W.L.R. 1016

EUROPEAN COMMUNITY ENACTMENTS JUDICIALLY CONSIDERED

Council Directive (75/117/E.E.C.)

art. 1: Preston v. Wolverhampton Healthcare N.H.S. Trust [1997] I.C.R. 899, C.A.

Council Directive (76/207/E.E.C.) (Equal Treatment Directive)

arts. 2(1), 5: Reg. v. Secretary of State for Employment, *Ex parte* Seymour-Smith [1997] 1 W.L.R. 473; [1997] I.C.R. 371, H.L.(E.)

Council Directive (77/187/E.E.C.) (Acquired Rights Directive)

arts. 1, 3: National Union of Teachers v. Governing Body of St. Mary's Church of England (Aided) Junior School [1997] I.C.R. 334, C.A.

art. 1(1): Sözen v. Zehnacker Gebäudereinigung G.m.b.H. Krankenhausservice (Case C-13/95) [1997] I.C.R. 662, E.C.J.

Henke v. Gemeinde Schierke (Case C-298/94) [1997] I.C.R. 746, E.C.J.

Betts v. Brintel Helicopters Ltd. [1997] I.C.R. 792, C.A.

arts. 1(1), 3(1), 4(2): Merckx v. Ford Motors Co. (Belgium) S.A. (Case C-171/94) [1997] I.C.R. 352, E.C.J.

art. 1(2)(3): Addison v. Denholm Ship Management (U.K.) Ltd. [1997] I.C.R. 770, E.A.T.(Sc.)

art. 3 Tsangacos v. Amalgamated Chemicals Ltd. [1997] I.C.R. 154, E.A.T.

art. 3(1)(3): Adams v. Lancashire County Council [1997] I.C.R. 834, C.A.

art. 4(1): M.R.S. Environmental Services Ltd. v. Marsh [1997] I.C.R. 995, C.A.

Council Directive (77/388/E.E.C.)

arts. 11(A)(1)(a), 11(C)(1): Argos Distributors Ltd. v. Customs and Excise Comrs. (Case C-288/94) [1997] Q.B. 499; [1997] 2 W.L.R. 477, E.C.J.

art. 26(2): Customs and Excise Comrs. v. DFDS A/S (Case C-260/95) [1997] 1 W.L.R. 1037, E.C.J.

Council Directive (79/7/E.E.C.)

art. 3(1): Atkins v. Wrekin District Council (Case C-228/94) [1997] I.C.R. 75, E.C.J.

art. 6: Reg. v. Secretary of State for Social Security, *Ex parte* Sutton (Case C-66/95) [1997] I.C.R. 961, E.C.J.

Council Directive (79/409/E.E.C.)

arts. 2, 4(1)(2): Reg. v. Secretary of State for the Environment, *Ex parte* Royal Society for the Protection of Birds (Port of Sheerness Ltd., Intervener) (Case C-44/95)

[1997] Q.B. 206; [1997] 2 W.L.R. 123, E.C.J.

Council Directive (80/987/E.E.C.)

arts. 3, 4: Secretary of State for Employment v. Mann [1997] I.C.R. 209, C.A.

Council Directive (90/314/E.E.C.)

art. 7: Dillenkofer v. Federal Republic of Germany (Joined Cases C-178, 179 and 188-190/94) [1997] Q.B. 259; [1997] 2 W.L.R. 253, E.C.J.

Council Directive (92/43/E.E.C.)

art. 6(4): Reg. v. Secretary of State for the Environment, *Ex parte* Royal Society for the Protection of Birds (Port of Sheerness Ltd., Intervener) (Case C-44/95) [1997] Q.B. 206; [1997] 2 W.L.R. 123, E.C.J.

Council Directive (93/104/E.C.)

art. 5: United Kingdom of Great Britain and Northern Ireland v. Council of the European Union (supported by Kingdom of Spain, Commission of the European Communities and Kingdom of Belgium, Interveners) (Case C-84/94) [1997] I.C.R. 443, E.C.J.

Council Regulation (E.E.C.) No. 1612/68

art. 11: Uecker v. Land Nordrhein-Westfalen (Case C-64/96) [1997] I.C.R. 1025, E.C.J.

Council Regulation (E.E.C.) No. 2603/69

arts. 1, 11: Reg. v. H.M. Treasury, *Ex parte* Centro-Com S.r.l. (Case C-124/95) [1997] Q.B. 683; [1997] 3 W.L.R. 239, E.C.J.

Council Regulation (E.E.C.) No. 1408/71 (as amended)

arts. 4(1), 48(1), 67: Martínez Losada v. Instituto Nacional de Empleo (Case C-88/95) [1997] I.C.R. 1100, E.C.J.

Council Regulation (E.E.C.) No. 1432/92

arts. 1, 2(a), 3: Reg. v. H.M. Treasury, *Ex parte* Centro-Com S.r.l. (Case C-124/95) [1997] Q.B. 683; [1997] 3 W.L.R. 239, E.C.J.

E.E.C. Treaty (Cmd. 5179-II) (Treaty of Rome)

arts. 59, 60: Reg. v. Human Fertilisation and Embryology Authority, *Ex parte* Blood [1997] 2 W.L.R. 806, C.A.

art. 85(1): Viho Europe B.V. v. Commission of the European Communities (Case C-73/95P) [1997] I.C.R. 130, E.C.J.

art. 119: Clark v. Secretary of State for Employment [1997] I.C.R. 64, C.A.

Barry v. Midland Bank Plc. [1997] I.C.R. 192, E.A.T.

E.C. Treaty (O.J. 1992 No. C. 224, p. 6)

arts. 34, 36: Reg. v. Chief Constable of Sussex, *Ex parte* International Trader's Ferry Ltd. [1997] 3 W.L.R. 132, C.A.

arts. 48, 51: Martínez Losada v. Instituto Nacional de Empleo (Case C-88/95) [1997] I.C.R. 1100, E.C.J.

art. 59: U. v. W. (Attorney-General Intervening) [1997] 3 W.L.R. 739

arts. 113, 234: Reg. v. H.M. Treasury, *Ex parte* Centro-Com S.r.l. (Case C-124/95) [1997] Q.B. 683; [1997] 3 W.L.R. 239, E.C.J.

art. 118a: United Kingdom of Great Britain and Northern Ireland v. Council of the European Union (supported by Kingdom of Spain, Commission of the European Communities and Kingdom of Belgium, Interveners) (Case C-84/94) [1997] I.C.R. 443, E.C.J.

art. 119: Reg. v. Secretary of State for Employment, *Ex parte* Seymour-Smith [1997] 1 W.L.R. 473; [1997] I.C.R. 371, H.L.(E.)

Preston v. Wolverhampton Healthcare N.H.S. Trust [1997] I.C.R. 899, C.A.

Rules of Procedure of the Court of Justice (O.J. 1991 L.176, p. 7)

art. 112(1)(c): Viho Europe B.V. v. Commission of the European Communities (Case C-73/95P) [1997] I.C.R. 130, E.C.J.

Statute of the Court of Justice of the E.C. (E.C. Treaty Protocol No. (B))

art. 49: Viho Europe B.V. v. Commission of the European Communities (Case C-73/95P) [1997] I.C.R. 75, E.C.J.

OVERSEAS ENACTMENTS JUDICIALLY CONSIDERED

ANTIGUA AND BARBUDA

Antigua and Barbuda Labour Code (c. 27)

s. C10(1)(3)(4): Berridge v. Benjies Business Centre [1997] 1 W.L.R. 53; [1997] I.C.R. 58, P.C.

Industrial Court Act 1976 (c. 214)

ss. 9(1), 10(3), 19(1): Berridge v. Benjies Business Centre [1997] 1 W.L.R. 53; [1997] I.C.R. 58, P.C.

BAHAMAS, THE

Homicide (Special Defences) Act 1959 (Statute Law of The Bahamas, c. 49)

s. 4: Culmer v. The Queen [1997] 1 W.L.R. 1296, P.C.

Penal Code (Statute Law of The Bahamas, 1987 rev., c. 77)

ss. 320(1), 325: Culmer v. The Queen [1997] 1 W.L.R. 1296, P.C.

HONG KONG

Employment Ordinance (Laws of Hong Kong, 1988 rev., c. 57)

s. 31B(1): Comr. of Inland Revenue v. Cosmotron Manufacturing Co. Ltd. [1997] 1 W.L.R. 1288, P.C.

Immigration Ordinance (Laws of Hong Kong, c. 115)

ss. 13A(1), 13D(1)(3), 13E, 13F(1)(5): Nguyen Tuan Cuong v. Director of Immigration [1997] 1 W.L.R. 68, P.C.

Independent Commission Against Corruption Ordinance (Laws of Hong Kong, 1996 rev., c. 204)

s. 10B: Comr. of the Independent Commission against Corruption v. Ch'ng Poh [1997] 1 W.L.R. 1175, P.C.

Inland Revenue Ordinance (Laws of Hong Kong, 1995 rev., c. 112)

ss. 16(1), 17(1)(b): Comr. of Inland Revenue v. Cosmotron Manufacturing Co. Ltd. [1997] 1 W.L.R. 1288, P.C.

ss. 16(1)(a), 17(1)(c): Wharf Properties Ltd. v. Comr. of Inland Revenue [1997] A.C. 505; [1997] 2 W.L.R. 334, P.C.

Limitation Ordinance (Laws of Hong Kong, c. 347)

ss. 7(2), 8(1), 13(1)(2): Sze To Chun Keung v. Kung Kwok Wai David [1997] 1 W.L.R. 1232, P.C.

Prevention of Bribery Ordinance (Laws of Hong Kong, 1987 rev., c. 201)

s. 9(1)(2): Comr. of the Independent Commission against Corruption v. Ch'ng Poh [1997] 1 W.L.R. 1175, P.C.

JAMAICA

Customs Act

s. 203: Attorney-General of Jamaica v. Williams [1997] 3 W.L.R. 389, P.C.

Judicature (Appellate Jurisdiction) Act

s. 14(1): Williams (Kervin) v. The Queen [1997] A.C. 624; [1997] 2 W.L.R. 910, P.C.

Offences against the Person Act 1864 (c. 268)

ss. 3(1A), 3B(5) (as inserted): Williams (Kervin) v. The Queen [1997] A.C. 624; [1997] 2 W.L.R. 910, P.C.

Offences against the Person (Amendment) Act 1992 (No. 14 of 1992)

s. 7: Williams (Kervin) v. The Queen [1997] A.C. 624; [1997] 2 W.L.R. 910, P.C.

MAURITIUS

District and Intermediate Courts (Criminal Jurisdiction) (Laws of Mauritius, 1990 rev., vol. 2, p. 258)

ss. 92(1), 96(1)(2): Director of Public Prosecutions v. Sabapathee [1997] 1 W.L.R. 483, P.C.

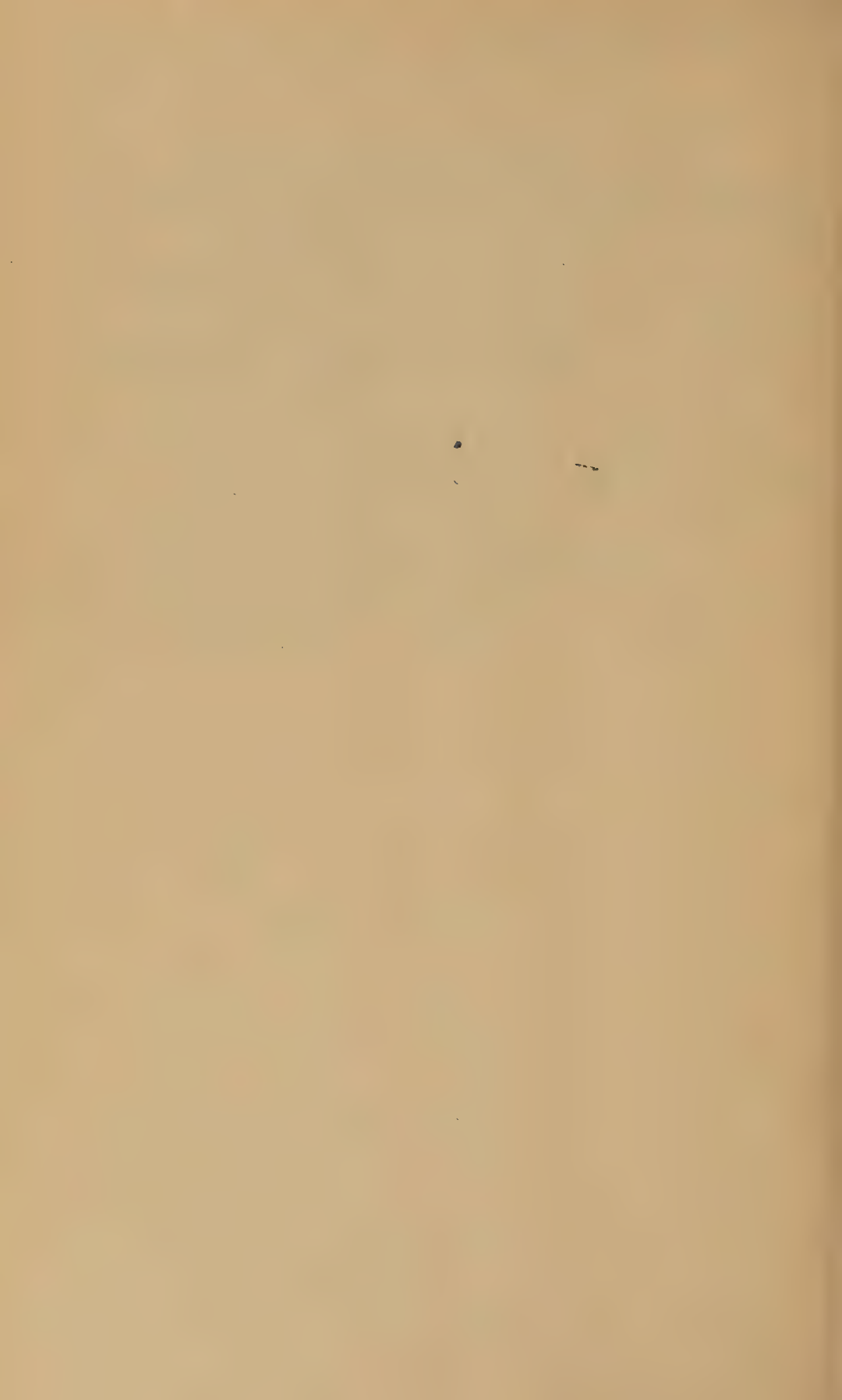
NEW ZEALAND

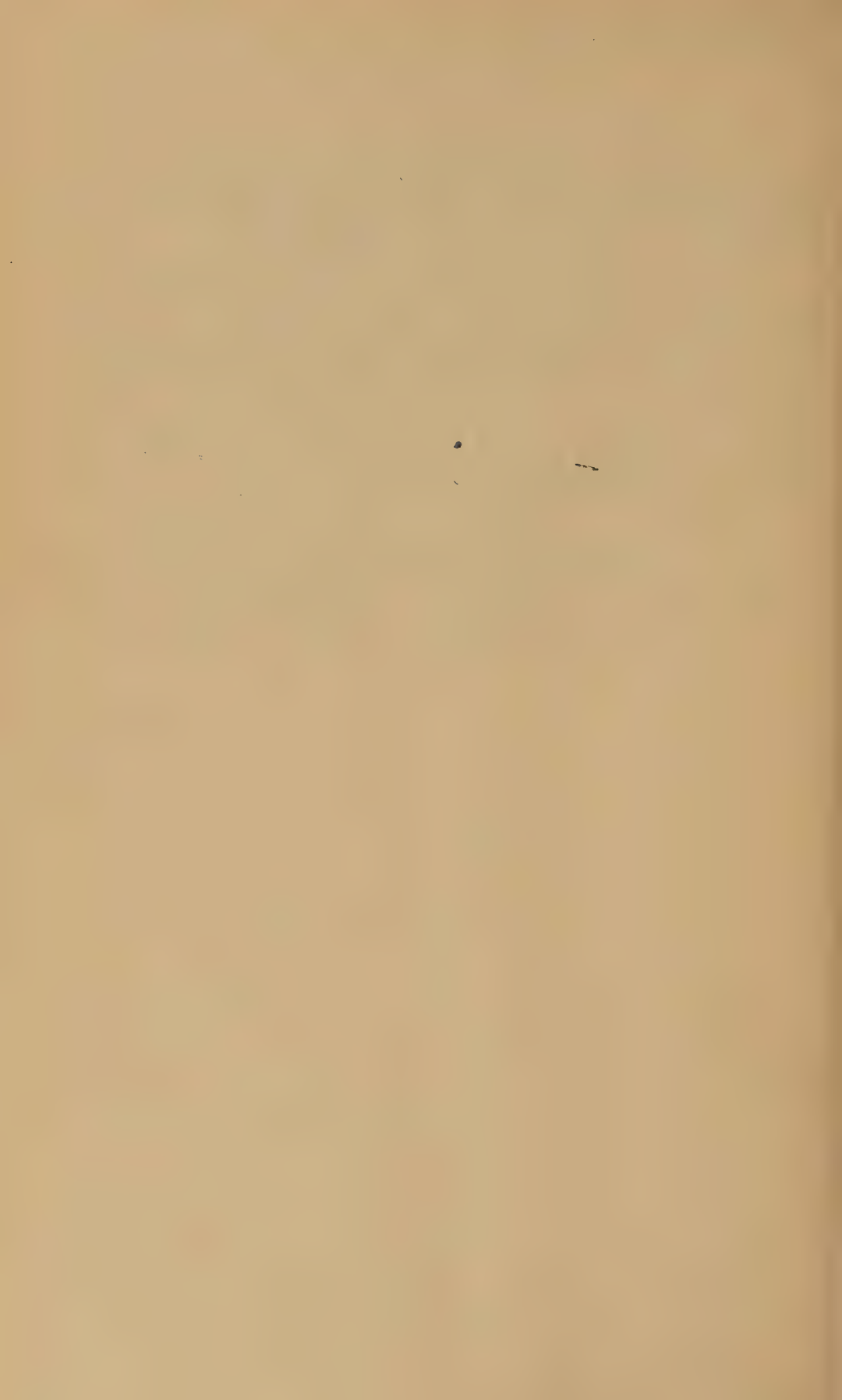
Securities Act 1978 (No. 103 of 1978)

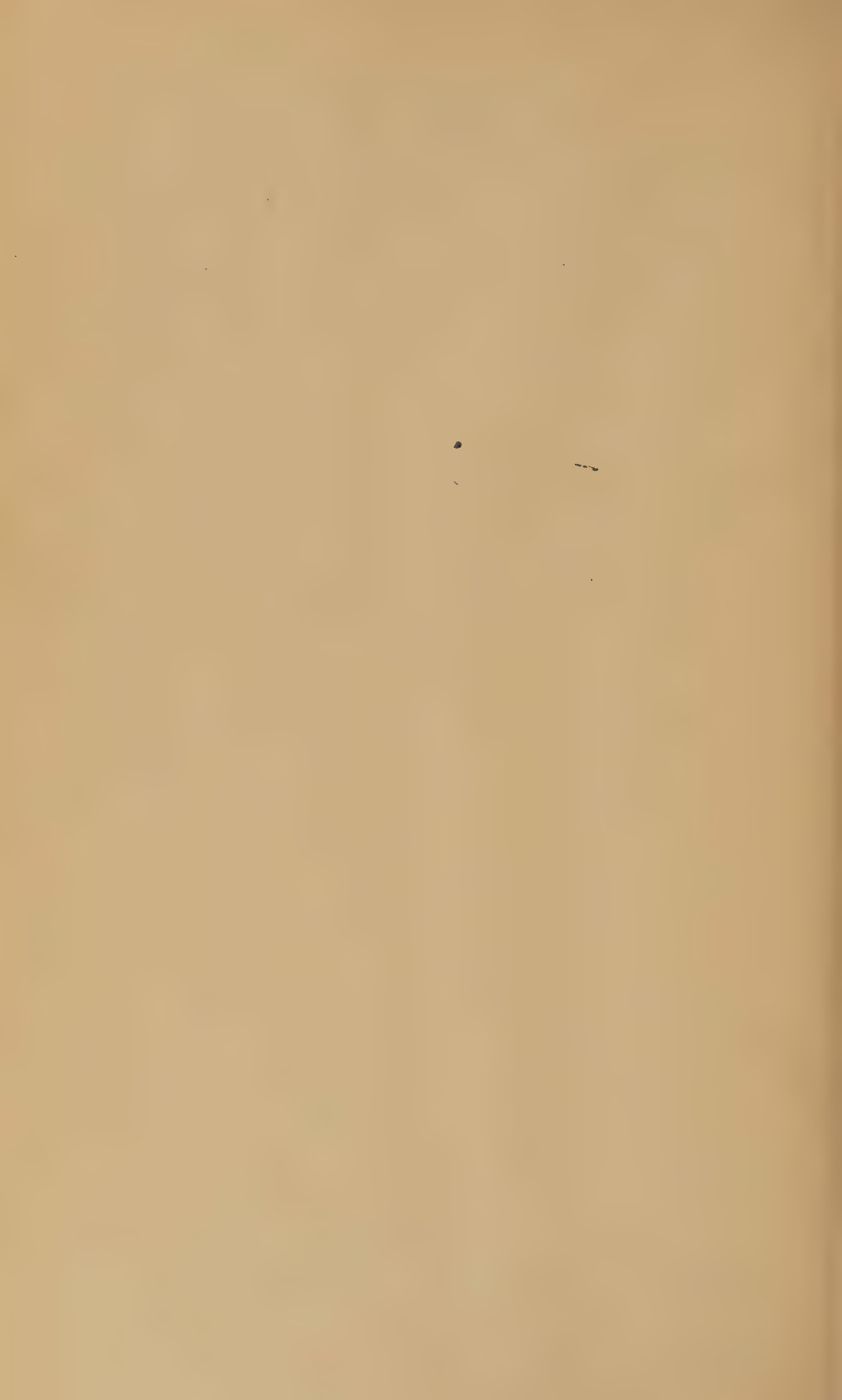
ss. 2(1), 5(1)(b), 67(1): Culverden Retirement Village Ltd. v. Registrar of Companies [1997] A.C. 303; [1997] 2 W.L.R. 291, P.C.

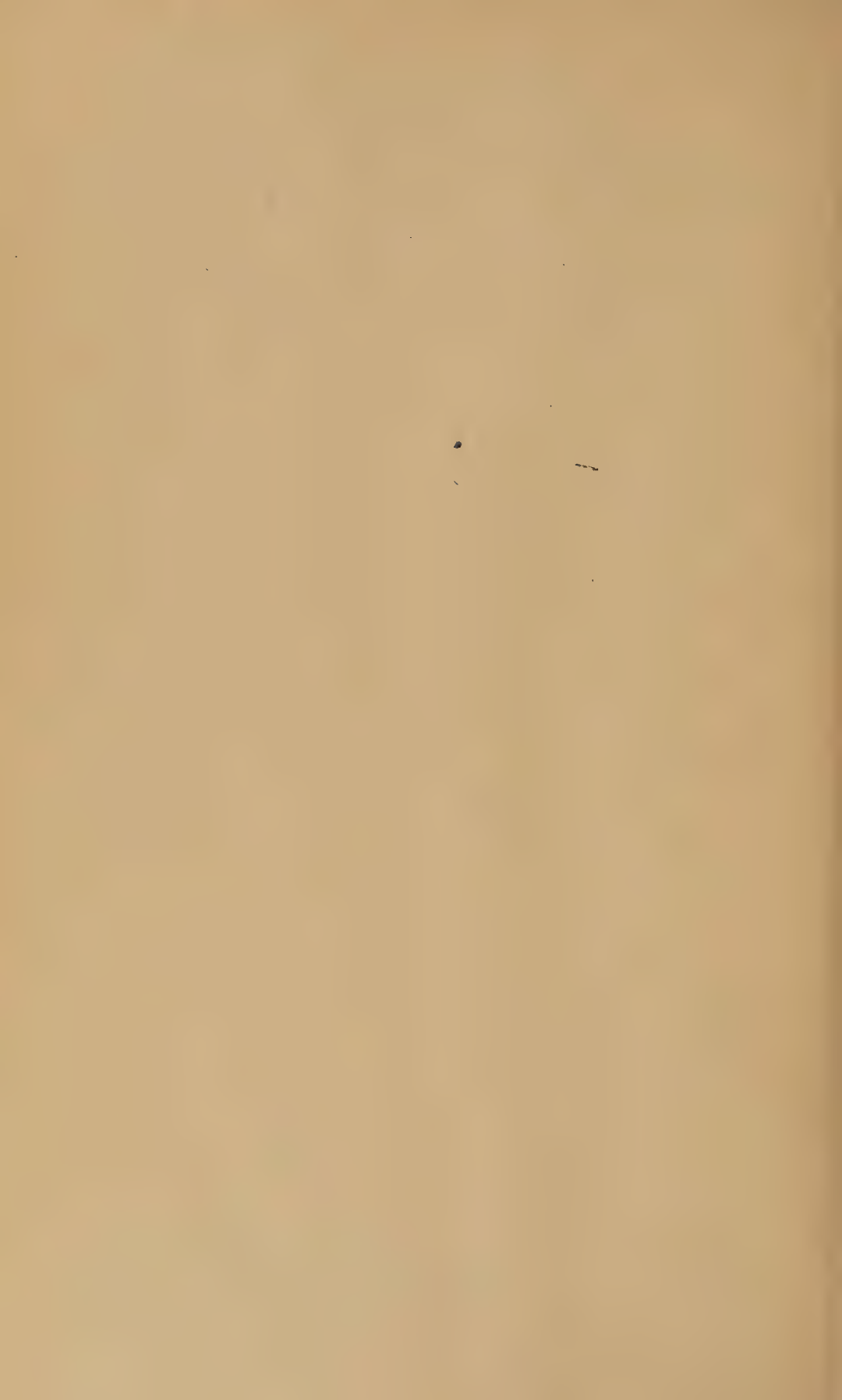
INTERNATIONAL CONVENTIONS JUDICIALLY CONSIDERED

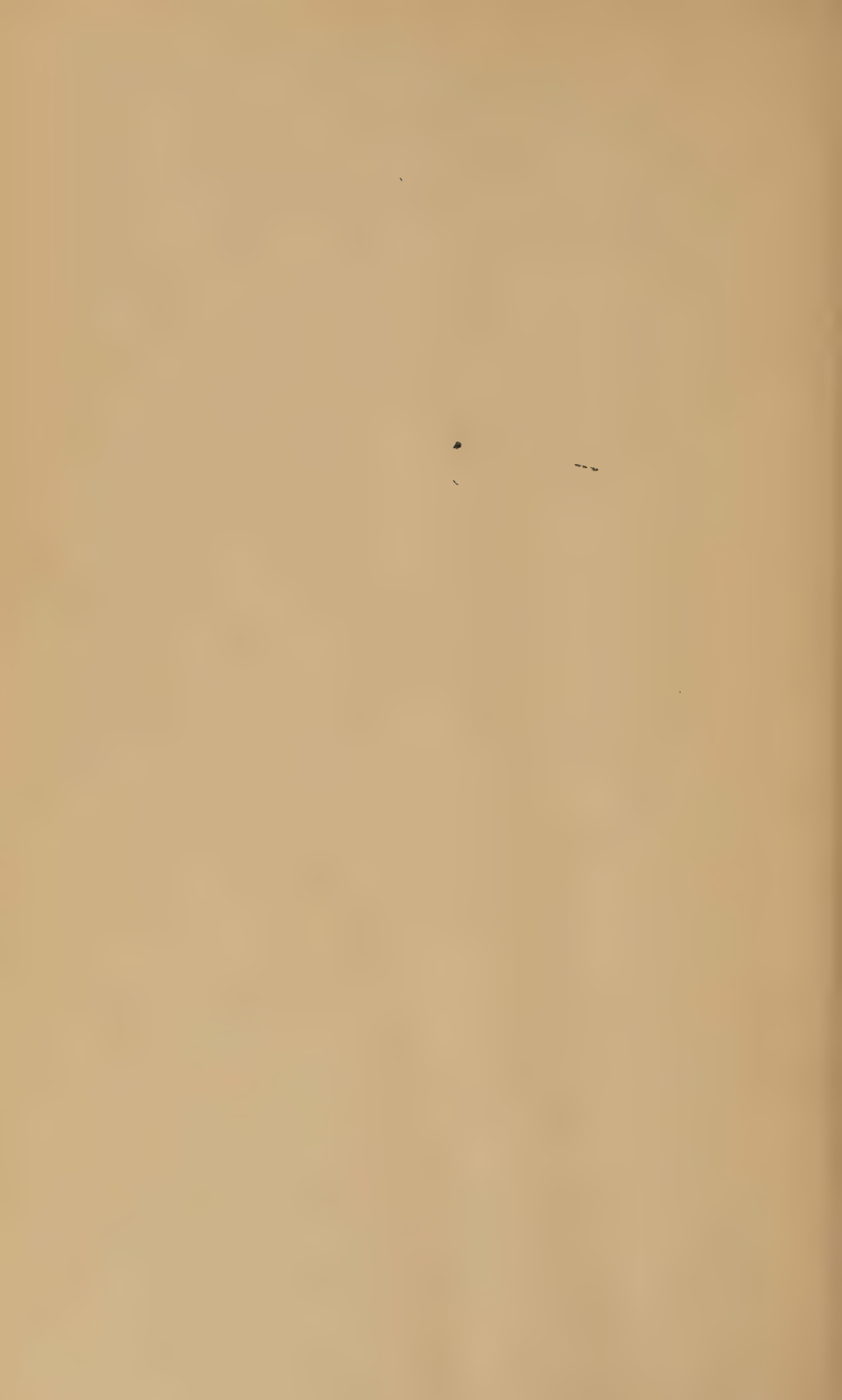
- Convention and Protocol relating to Status of Refugees** (1951) (Cmd. 9171) and (1967) (Cmd. 3906)
 art. 1A(2): *Adan v. Secretary of State for the Home Department* [1997] 1 W.L.R. 1107, C.A.
 Reg. v. Secretary of State for the Home Department, *Ex parte Robinson* [1997]
 3 W.L.R. 1162, C.A.
 art. 33: Reg. v. Secretary of State for the Home Department, *Ex parte Canbolat* [1997]
 1 W.L.R. 1569, C.A.
- Convention for the Protection of Human Rights and Fundamental Freedoms** (1953) (Cmd. 8969)
 art. 8: Reg. v. Secretary of State for the Home Department, *Ex parte Hargreaves* [1997]
 1 W.L.R. 906, C.A.
- Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters** (1968)
 (Cmd. 7395) *see also Civil Jurisdiction and Judgments Act 1982*
 arts. 1, 5(2): *Van den Boogaard v. Laumen* (Case C-220/95) [1997] Q.B. 759; [1997] 3 W.L.R.
 284, E.C.J.
 art. 5(1) (as amended): *Rutten v. Cross Medical Ltd.* (Case C-383/95) [1997] I.C.R. 715,
 E.C.J.
 arts. 5(1), 17 (as amended): *Mainschiffahrts-Genossenschaft e.G. (MSG) v. Les Gravières*
 Rhénanes S.a.r.l. (Case C-106/95) [1997] Q.B. 731; [1997]
 3 W.L.R. 179, E.C.J.
 art. 5(2) (as amended): *Farrell v. Long* (Case C-295/95) [1997] Q.B. 842; [1997] 3 W.L.R. 613,
 E.C.J.
 art. 27(2) (as amended): *Hendrikman v. Magenta Druck & Verlag G.m.b.H.* (Case C-78/95)
 [1997] Q.B. 426; [1997] 2 W.L.R. 349, E.C.J.
- Convention on Mutual Assistance in Criminal Matters 1959** (1992) (Cm. 1928)
 art. 2: Reg. v. Secretary of State for the Home Department, *Ex parte Fininvest S.p.A.* [1997]
 1 W.L.R. 743, D.C.
-













Printed in Great Britain by Arrowhead Books Ltd., Reading and published by The Incorporated Council of Law Reporting for England and Wales (a Registered Charity) at 3 Stone Buildings, Lincoln's Inn, London WC2A 3XN.

Tel.: 0171-242 6471. Editorial: 0171-831 6664

© 1997. THE INCORPORATED COUNCIL OF LAW REPORTING FOR ENGLAND AND WALES

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, including photocopying and recording, without the written permission of the copyright holder, application for which should be addressed to the publisher. Such written permission must also be obtained before any part of this publication is stored in a retrieval system of any nature.